



## FCAB UPDATE

*Week of January 31, 2000*

(Last update was dated December 20, 1999)

### MEETING SCHEDULE

**FERNALD MONTHLY PROGRESS BRIEFING** Services Building Conference Room  
 Special Topic: Accelerated Waste Retrieval from the Silos  
Tuesday, February 8, 2000, 6:30 p.m.

**STEWARDSHIP COMMITTEE** Large Laboratory Conference Room  
Wednesday, February 9, 2000, 6:30 p.m.

**REMEDIATION COMMITTEE** Large Laboratory Conference Room  
Thursday, February 10, 2000, 6:30 p.m.

Please if you will not be able to attend any meeting, please call the FCAB office and let us know: 648-6478.

### ATTACHMENTS

- Agendas for February Committee meetings
- Master Plan for Public Use of the FEMP (*Stewardship committee please review prior to 2/9*)
- Draft EM SSAB Guidance (*All members please be ready to discuss and provide any comments at the February committee meetings*)
- Statements of Principles Between DOE and States
- Final FCAB Recommendation on Silos 1 and 2 Technology Selection

### NEWS and ANNOUNCEMENTS

- Stewardship Committee members please be sure to review Master Plan for Public Use of the FEMP before the 2/9 meeting.
- Remediation Committee members please try to attend the Monthly Progress Briefing on Tuesday February 8 to hear the Accelerated Waste Retrieval briefing.

### FOR FURTHER INFORMATION

Please contact Doug Sarno, Phoenix Environmental

Phone: 513-648-6478 or 703-971-0058 Fax: 513-648-3629 or 703-971-0006

E-Mail: [DJSarno@aol.com](mailto:DJSarno@aol.com)



## STEWARDSHIP COMMITTEE MEETING

February 9, 2000, 6:30 – 8:30 p.m.  
Large Laboratory Conference Room

*Draft Agenda*

Opening Remarks: Pam Dunn

Review of Master Plan for Public Use of the FEMP

Discussion with Natural Resource Trustees about Process for Identifying Future Public Use of the site (NRTs have been invited but not confirmed)

Comments on Draft EM SSAB Guidance

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## REMEDIATION COMMITTEE MEETING

February 10, 2000, 6:30 – 8:30 p.m.  
Large Laboratory Conference Room

*Draft Agenda*

Opening Remarks: Gene Willeke

Status Review of Waste Pits Project

Status Review of Accelerated Waste Retrieval System

Review upcoming topics:

March- Site monitoring results and trends  
April- OSDF tour and overview  
May- Silo 3

Comments on Draft EM SSAB Guidance



## RECOMMENDATION #00-1

### RECOMMENDATION ON SILOS 1 AND 2 TECHNOLOGY SELECTION

January 15, 2000  
2 pages

Presented to: Jack Craig, DOE Fernald

**Source of Recommendation:**

- Full Board
- Remediation Committee
- Stewardship Committee
- Steering Committee

**Type of Recommendation:**

- Initial
- Follow-on to Recommendation

Response Requested by: n/a

The Fernald CAB believes that it is important to provide DOE with an endorsement of a technology to assist in moving the Silos remedy selection process forward. At its January 15, 2000 meeting, the FCAB endorsed the selection of the chemical stabilization family of technologies by a vote of 11 to 2. The primary reason stated by the majority was the desire to select a technology that presents the greatest chance of successful implementation, provides the best opportunities for recovery from any initial failures, and minimizes worker risk.

Regardless of the technology selected, there are a number of overriding issues that the FCAB feels are important in the implementation of the Silos project. While many of these issues are redundant to the CERCLA nine criteria, our concern is that they be firmly entrenched in the implementation of the project, not just the decision-making. These concerns, not necessarily in priority order, are listed below.

- The ability to move forward with the project successfully including overall implementation and successful completion of the project.
- The ability to identify and implement a backup plan, should the primary technology fail.
- The overall protection of workers at Fernald, during transport, and at the ultimate disposal site (currently NTS).
- The overall protection of the public at Fernald, during transport, and at the ultimate disposal site (currently NTS).
- The safety of transportation operations.
- The qualifications and capabilities of the vendor selected.
- The volume, treatment requirements, and disposal requirements of secondary wastes.
- The ability to minimize the volume of waste and maximize recycling.
- The long-term stability of the waste form at the disposal location.



## RECOMMENDATION #00-1

### RECOMMENDATION ON SILOS 1 AND 2 TECHNOLOGY SELECTION

January 15, 2000

Page 2 of 2

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The FCAB will take a continuing interest and role in the Silos decision and would like to be involved to the maximum extent possible in the process of planning, selecting vendors, and designing the ultimate remedy as these are the activities which will determine success. Because additional stakeholder comments are still expected during the formal public comment period, especially those of the Nevada Test Site CAB and stakeholders, the Fernald CAB expects to provide additional comments and recommendations at that time.

The minority position favors vitrification for the following reasons:

- Waste minimization reduces volume—stabilization results in a 3 to 1 increase in volume of waste.
- The resulting increase in waste volume increases the potential transportation risk due to the increase in the number of trucks needed to ship the waste.
- The vitrification waste form provides greater long term stability.
- Vitrification provides better containment of Radon gas that will continue to be emitted from the waste form.

The minority does not wish to be remembered as a negative part of the Cold War legacy as a result of a decision to use a technology that was easier to implement over one that reduces the amount of waste and could potentially provide more long-term protections of human health and the environment.



## **TRANSMITTAL MEMO: Master Plan for Public Use of the FEMP**

**TO:** Stewardship Committee  
**FROM:** Doug Samo  
**DATE:** 1/31/00

Please read through this document in preparation for the February 9, 2000 Stewardship Committee meeting. This draft document has been developed by DOE to help aid the discussion and decision about which public activities will and will not be allowed on the ecologically restored portions of the Fernald site following remediation. The issues contained in this document will constitute the majority of our discussion at the meeting so that we can better understand the actions and activities that the FCAB needs to take to ensure sufficient public input is provided to DOE and the Natural Resource Trustees on these matters.

*Sano*

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# MASTER PLAN FOR PUBLIC USE OF THE FEMP

## ADDENDUM D TO THE NATURAL RESOURCE RESTORATION PLAN

FERNALD ENVIRONMENTAL MANAGEMENT PROJECT  
FERNALD, OHIO



NOVEMBER 1999

U.S. DEPARTMENT OF ENERGY  
FERNALD AREA OFFICE

212E-PL-0003  
ADDENDUM D  
DRAFT

*6*

**ADDENDUM D**

**MASTER PLAN FOR PUBLIC USE OF THE FEMP**

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Figure 1 Master Plan for Public Use of the FEMP

## LIST OF ACRONYMS AND ABBREVIATIONS

DOE	U.S. Department of Energy
EA	Environmental Assessment
FEMP	Fernald Environmental Management Project
NEPA	National Environmental Policy Act
OSDF	On-Site Disposal Facility
PEIC	Public Environmental Information Center

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1.0 INTRODUCTION

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This document presents the U.S. Department of Energy's (DOE's) plan for the public use of the Fernald Environmental Management Project (FEMP) after remediation and restoration activities are complete. The Federal Government has committed to continued Federal ownership of the 1050-acre FEMP. As discussed in the Environmental Assessment (EA) for final land use at the FEMP (DOE 1999), DOE has agreed that public use of the FEMP will be permitted at the conclusion of remediation and restoration activities. This plan proposes limited public use of the FEMP in the form of pedestrian walking and biking trails equipped with strategically located observation areas and interpretive signs. It is possible that certain areas could become available to the public before the end of remediation and restoration activities (similar to the Ecological Restoration Park that is currently available for public use) if determined appropriate by DOE. Based on public input on this plan, DOE will prepare a FEMP Institutional Control Plan as outlined in the Operable Unit 5 Record of Decision (DOE 1996). The Institutional Control Plan will provide detail regarding legal and administrative measures (e.g., deed restrictions) to ensure that the final land-use DOE is proposing for the FEMP does not become compromised in the future.

This plan has been prepared as an addendum to the Natural Resource Restoration Plan, but is considered a living document that will be revised based on public input or the availability of new information. It is not anticipated that restrictions to the On-Site Disposal Facility (OSDF) area (Section 3.0) or the list of prohibited actions (Section 4.0) will change in the future for any reason. However, it is possible that the locations of parking areas and trails (Section 2.0) may change in the future based on public input. Minor changes in the locations of trails will not trigger a revision of this document.

Other uses of the FEMP, such as a museum, educational center, or economic development area are considered possibilities by DOE in the future, but decisions regarding those uses have not been made at this time. This plan has been written considering all input that DOE has received from stakeholders to date. If in the future DOE believes that economic development or the establishment of a museum or educational facility is appropriate, DOE will provide public notice and issue a revision of this plan for public review as part of the process to meet the requirements of the National Environmental Policy Act (NEPA).

## 2.0 SITE ACCESS

There will be three FEMP locations providing access to parking areas and walking trails at the conclusion of remediation and restoration activities. Site access will be available through the existing South Access Road off of Willey Road, the existing North Access Road off of State Route 126, and at the Ecological Restoration Park off of Paddys Run Road (Figure 1). The existing South Access Road will be maintained off of Willey Road and will provide access to a parking area located in the vicinity of the current employee parking lots. The existing North Access Road will be maintained and will provide driving access to a parking area off of State Route 126, where the current gravel parking lot is located across from the Wetland Project area. The third access point will be at the current location of the Ecological Restoration Park off of Paddys Run Road. The current parking area at the Ecological Restoration Park will be maintained and access to site perimeter trails will be possible for walking traffic and bike traffic.

From the three access points discussed above, a series of trails will be constructed through individual restoration projects. Trails for walking and biking will provide easy access to and/or viewing of completed remediation and restoration projects (Figure 1). Along the trails, visitors will be provided with information on the cultural, industrial and natural history of the site. Trails for hiking and boardwalks will provide access to more remote and physically demanding areas. Portable restrooms are planned for the southern and northern parking lots.

The only other vehicle access to the site will be a gravel road that will provide access to the OSDF for inspections and monitoring. This road will be connected to the public parking area in the southern portion of the site and connected to State Route 126 in the north, via a portion of the existing North Access Road. Access to the OSDF will be controlled at the southern and northern end by gates that will be locked to prevent unauthorized access.

Perimeter fencing will be maintained around the FEMP so that access to the site occurs only at designated locations. Signs will also be maintained at access points and on perimeter fencing that post

restrictions for access and use of the FEMP. There will be no active security presence at the FEMP. 1

Any police patrols that take place and responses to criminal activities will be carried out by local 2

authorities. DOE personnel or designated personnel representing DOE will conduct routine patrols of 3

trails to inspect for safety concerns and ensure that prohibited actions are not occurring. 4

### 3.0 ACCESS RESTRICTIONS TO OSDF AREA

The will be no access to the OSDF except for authorized personnel conducting inspections and monitoring as outlined in the Post-Closure Care and Inspection Plan for the OSDF (DOE 1997). Access gates will be located at the northern and southern ends of the OSDF. A perimeter fence will be maintained around the OSDF, along with signs that prohibit access and ensure the OSDF is secure. Further details on access controls, required inspections and monitoring around the OSDF can be found in the Post-Closure Care and Inspection Plan for the OSDF which is available at the Public Environmental Information Center (PEIC).

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#### 4.0 PROHIBITED ACTIONS

The following activities will not be permitted on the FEMP once the site becomes available for public use:

- No public hunting or fishing of any kind will be permitted on the FEMP property
- No camping or nighttime activities will be permitted on the FEMP
- No picking or removal of plants by unauthorized personnel will be permitted
- No swimming or wading in creeks, ponds or wetlands will be permitted
- No motorized vehicles (e.g., 4 x 4's, motorcycles) are permitted on trails
- No hiking or biking off of designated trails will be permitted
- No soil excavation will be permitted on the FEMP for any reason by unauthorized personnel.

As discussed in Section 2.0, signs posting these restrictions will be displayed at all access point to the FEMP. Physical barriers will be installed around parking lots to eliminate motorized vehicle traffic on site trails to the degree practicable. Similar barriers are currently in place at the Ecological Restoration Park.

## 5.0 MAINTENANCE OF SITE

OSDF maintenance is outside the scope of this plan and is addressed in the Post-Closure Care and Inspection Plan for the OSDF (DOE 1997).

All trails, roads and parking areas will be maintained to ensure they are in a safe condition for the types of activities they are intended to support. Resurfacing and patching of all paved roads and patching/mulching of unpaved trails will be carried out on an ongoing basis. Trails will be routinely patrolled to inspect for safety concerns (e.g., erosion, degradation or blockage), ensure prohibited actions are not occurring and assist visitors in need of information or help.

In general, mowing will not be carried out on the majority of the site as a routine maintenance item. Occasional mowing may be carried out in restored prairies as a management tool. Mowing will be carried out on a regular basis along perimeter areas adjacent to access points to the site, along access roadways and on the perimeter of parking areas for safety purposes.

Occasional maintenance may be required in some drainage ditches and basins. Drainage channels and basins will be monitored quarterly to ensure that excessive erosion or sedimentation is not occurring. If necessary, repairs will be made to drainage channels and basins to maintain appropriate drainage patterns at the FEMP.

Restored areas will be designed to require very little maintenance and no intensive routine maintenance is anticipated to be needed. However, it is possible that some areas could require the removal or control of invasive plant species if they become established to a point that they pose a threat to restored areas. Burning of some prairie areas may occur as a management tool until the prairie is established. Storm damage or vandalism could result in the need for maintenance or replacement of plant stock.

REFERENCES

U. S. Department of Energy, 1996, "Record of Decision for Remedial Actions at Operable Unit 5," Final, Fernald Environmental Management Project, DOE, Fernald Area Office, Cincinnati, Ohio.

U. S. Department of Energy, 1997, "Post-Closure Care and Inspection Plan On-Site Disposal Facility," Revision 1, Fernald Environmental Management Project, DOE, Fernald Area Office, Cincinnati, Ohio.

U. S. Department of Energy, 1999, "Environmental Assessment for Proposed Final Land Use at the Fernald Environmental Management Project," Final, DOE, Fernald Area Office, Cincinnati, Ohio.

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P.O. Box 538704 Cincinnati, Ohio 45253-8704 (513) 648-3000

Fernald Environmental Management Project

Letter No. C:00TP(LA):99-0054

OCT 28 1999

FERNALD  
LOG A-00204  
NOV 3 3 03 PM '99  
FILE:  
LIBRARY

Ms. Renée Holland, Esquire  
U. S. Department of Energy  
Ohio Field Office  
P. O. Box 3020  
Miamisburg, OH 45342

*Renée*  
Dear Ms. Holland:

Reference: TITLE EXAMINATION-FEMP PROPERTY

Pursuant to the Department of Energy's request, FDF has had a title examination performed. The title search shows that the United States of America owns the FEMP property in fee, with no reservations or separation of the mineral rights. There are also various easements that have been granted for parts of the acreage.

For your records, enclosed is a copy of a title summary, which identifies the parcels conveyed to the United States by grantor, grantee and acreage. If you would like a copy of the property deeds, please let me know.

Should you have any questions regarding this information, please contact me at your convenience.

Sincerely,

*Renée V. Holmes*  
Renée V. Holmes  
Deputy General Counsel

RVH:mcc  
enclosure

c: Irma Brown, DOE Ohio Field Office  
Milan Marshall, FDF  
Eric Woods, FDF  
Mark Sucher, FDF

BARRON M. NIEHAUS  
ATTORNEY AT LAW  
914 MAIN STREET  
CINCINNATI, OHIO 45202  
(513) 421-5999  
FAX (513) 421-7785

September 20, 1999

Fluor Daniel Fernald  
P.O. Box  
Cincinnati, Ohio 45253  
Attention: Renee'

Dear Renee';

The property owned by the United States of America, commonly known as the Fernald Property was obtained by the United States of America by means of the following deeds:

1. 95.769 acres in Crosby Township purchased from Helen M. Gray per Official Record Book 526, Page 222, Butler County, Ohio.
2. 6.61 acres purchased from Eliza Francis per Official Record Book 530, Page 513, Butler County, Ohio Records.
3. 119.73 acres in Crosby Township purchased from Eliza Francis per Official Record Book 526, Page 421, Butler County, Ohio Records.
4. .99 acres in Crosby Township from Walter Turner, AKA, Walter N. Turner and Betty Turner, AKA Betty J. Turner by Official Record Book 2480, Page 325, Hamilton County, Ohio Records.
5. 74.01 acres in Crosby Township purchased from Ethel Wright Wilpers and Darrell E. Wilpers per Official Record Book 2480, Page 327, Hamilton County, Ohio Records.
6. 98.62 acres in Crosby Township purchased from Arthur Fuchs and Maye Fuchs per Official Record Book 2492, Page 545, Hamilton County, Ohio Records.
7. 38.00 acres purchased from Daniel Schmid and Winfield S. Schmid, AKA, Winfield Scott Schmid and Eunice Schmid per Official Record Book 2481, Page 136, Hamilton County, Ohio Records.

8. 17.01 acres purchased from Delma D. Lewis, Beulah B. Lewis, Bernice C. Gieringer and Bernadine G. Cutcher per Official Record Book 2491, Page 607, Hamilton County, Ohio Records.
9. 26.00 acres purchased from Joseph E. Bader and Delores Bader per Official Record Book 2497, Page 82, Hamilton County, Ohio Records.
10. 32 acres purchased from Charles Bross and Alma M. Bross per Official Record Book 2485, Page 575, Hamilton County, Ohio Records.
11. 185.0 acres in Crosby Township purchased from Clara Irwin and Raymond Irwin and John Wilkins per Official Record Book 2492, Page 545, Hamilton County, Ohio.
12. 173.31 acres in Crosby Township purchased from Henry Knollman per Official Record Book 2492, Page 545, Hamilton County, Ohio Records.
13. 219.76 acres in Crosby Township purchased from Helen M. Gray per Registered Land Certificate Number 207261/2, Hamilton County, Ohio Records.

There are no mortgages or liens of record. My research shows no separation of mineral rights from these above listed properties.

These properties are subject to easements and right-of-ways of record.

Sincerely,



Barron M. Niehaus  
Attorney at Law





## **TRANSMITTAL MEMO: Draft EM SSAB Guidance**

**TO:** All FCAB Members  
**FROM:** Doug Sarno  
**DATE:** 1/31/00

This latest guidance from EM was distributed to the SSABs last week and will be a topic of discussion at the February Chairs meeting in Idaho Falls. In order to ensure that Tom carries forward any issues or concerns with the guidance, we will have a brief discussion at the end of each committee meeting next week. Please review prior to your committee meeting so that we can identify any issues at that time. If you will not be attending a committee meeting this month, you can fax or email me comments as well.

**ENVIRONMENTAL MANAGEMENT (EM)  
SITE-SPECIFIC ADVISORY BOARD (SSAB)  
GUIDANCE DOCUMENT**

**Office of Intergovernmental and Public Accountability**

**DISCLAIMER**

*This Draft Revised Environmental Management (EM) Site-Specific Advisory Board (SSAB) Guidance (Guidance) is a pre-decisional document, intended for review and concurrence by the Department of Energy (DOE, the Department) Office of General Counsel and DOE's Advisory Committee Management Office. Accordingly, this draft document is not a statement of official Departmental policy, and therefore it cannot be used: as a reference, legal or otherwise; for purposes of binding the Department to any specific promises or policies; or as statements against DOE in the course of litigation or otherwise. Do not quote, cite or forward. Concurrently, this draft guidance is also provided for review by the EM SSAB Chairs, Administrators, Federal Coordinators, and associated DOE Headquarters and Field Staff only.*

The purpose of this document is to provide guidance to individuals and organizations on the operations of the Environmental Management (EM) Site-Specific Advisory Board (SSAB or Board). This revised guidance supersedes the *Site-Specific Advisory Board Guidance (Final)* issued in January 1996. It supplements the requirements of the 1972 Federal Advisory Committee Act (FACA), the General Services Administration (GSA) implementing regulations, and the *DOE Advisory Management Program Manual* (DOE M 510.1-1, dated September 30, 1996), hereinafter referred to as the Manual.

**I. Introduction**

In response to the public's increasing demand for a say in DOE decisions, EM participated in a national policy dialogue on Federal facility environmental restoration decision-making and priority-setting issues, convened by The Keystone Center, as proposed by the U.S. Environmental Protection Agency (EPA). The Keystone Center, a non-profit environmental conflict management group, established dialogue among representatives of the Federal government, tribal governments, Native American organizations, and local citizen groups. The goal of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC or the Committee) was to develop consensus policy recommendations aimed at improving the process by which Federal facility environmental cleanup decisions are made, such that these decisions reflect the priorities and concerns of all stakeholders. In its 1993 Interim Report, the Committee recommended that Federal agencies establish advisory boards to provide independent policy and technical advice to the regulated and regulating agencies with respect to key cleanup decisions. The Federal Facility Environmental Restoration Dialogue Committee issued its final report in April 1996.

It is the policy of DOE and EM to conduct its programs in an open and responsive manner, therefore, encouraging and providing the opportunity for the public to participate in its planning

and decision-making processes. Details on DOE's public participation policy are available DOE's Office of Environmental Management home page at [www.em.doe.gov](http://www.em.doe.gov).

The Department has various means of involving the public in its planning and decision-making processes; the EM SSAB is only one component of a successful overall program, and is not intended to be an exclusive means of public participation. Chartered under the Federal Advisory Committee Act (FACA), the goal of the SSAB is to involve stakeholders more directly in DOE's planning and decision-making processes on cleanup of the nuclear weapons complex. In accordance with the Board's charter, the EM SSAB exists to provide the Assistant Secretary for Environmental Management, and other DOE officials such as Field managers, with policy information, advice and recommendations concerning EM's environmental restoration, waste management, nuclear material and facility stabilization and disposition, integration, site closure, project completion, and science and technology activities. Additionally, the EM SSAB provides input and recommendations on strategic decisions that impact future use, risk management, economic development, transportation, long-term stewardship, and budget prioritization activities. Finally, the Board may be asked to provide advice and recommendations on any other projects or issues that affect environmental management.

On June 16, 1994, the Office of Management and Budget (OMB) and the General Services Administration (GSA) approved the charter that established one EM SSAB. That charter was renewed in May 1996 and in May 1998. While only *one* FACA-chartered EM SSAB exists, a number of local site-specific boards (up to twelve at one time) have been organized under the EM SSAB umbrella charter. Local EM SSABs, known in some locations as Community- or Citizen Advisory Boards (CABs), draw on the full diversity of community viewpoints to provide advice and recommendations to DOE. Local boards developed in different ways, and in some cases, prior to the formation of the EM SSAB itself. Some local Boards advise other state and Federal agencies (e.g. EPA). Whether or not agencies charter their advisory boards under FACA, the Committee recommended that boards and agencies comply with the spirit of FACA regarding maintaining balanced membership, holding open meetings, and providing public notice for the meetings in manners that are appropriate for the facility's community. Local Board charters/operating procedures, and/or by-laws are based upon FACA requirements.

## ***II. Roles and Responsibilities***

### ***II.a. DOE Headquarters***

The DOE Headquarters has the following specific FACA-related responsibilities:

- Renew or terminate the EM SSAB charter as appropriate. 5 U.S.C.A. App. II § 9(b)(2);
- Officially appoint Board members, except in limited cases where this authority has been delegated to the Field. Advisory Committee Management Office. Office of Human Resources and Administration, U.S. Department of Energy (DOE), Pub. No. DOE M 510.1-1, *Advisory Committee Management Program* at IV – 1 (1996);
- Process and obtain approval of SSAB new/renewal membership packages (for more details, see Section III.c.3 of this Guidance). *Id.* IV – 4;
- Ensure compliance with FACA requirements, including provisions regarding membership, specified in section III.c. of this guidance. 41 CFR § 101 – 6.1009(j);

DRAFT dated January 27, 2000

- Manage and maintain a library of EM SSAB documentation, including SSAB annual reports, work plans, recommendations and responses, meeting minutes, and membership information.  
5 U.S.C.A. App. II § 12(a);
- Process Federal Register notices for local EM SSAB public meetings. DOE M 510.1-1 at V-3; and,
- Provide copies of Board reports to DOE's Advisory Committee Management Officer (ACMO) for forwarding to the Library of Congress. 5 U.S.C.A. App. II § 13.

In addition, DOE Headquarters has the following non-FACA-related responsibilities:

- Respond promptly in writing to EM SSAB recommendations, as appropriate;
- Inform the SSAB members of Departmental processes, programs, projects, and activities directly affecting the Board's mission and purpose;
- Conduct periodic evaluations, including site visits and surveys, of local Board operations and activities;
- Establish a means for Board members to obtain information about other local Boards; and,
- Formally recognize and thank Board members for their service

***II.b. DOE Operations, Field and Area Office***

The DOE Operations, Field and Area Office (the Field) has a dual role. First, it must ensure that processes and procedures related to the Board are consistent with applicable regulations and Departmental policy. Second, it must provide support and assistance to the Board. In addition to ensuring compliance with FACA regulations, the DOE Operations, Field and Area Office are responsible for the following:

- Ensuring that the Department's diversity goals are met through adequate outreach efforts for membership. Board membership should reflect the gender, minority, and ethnic diversity in the community from which the Board draws its members. Outreach efforts, therefore, should be targeted to achieve such diversity.
- Providing adequate resources (e.g., for funding, facilities, administrative staff and facilitation support, technical information, orientation, and education and training) to enable the Board to carry out its functions. 5 U.S.C.A. App. II § 12(b);
- Designate, to the Director of the Office of Intergovernmental and Public Accountability (EM- 11), senior DOE official (or officials) to serve as Deputy Designated Federal Officer(s) for the local Board;
- Providing information and advice to the local SSAB on the Board's relationship to DOE and developing agreement on the scope of the Board's work;
- Approving local Board by-laws and/or operating procedures to ensure that they are in compliance with FACA;
- Encourage the Board to listen carefully to all points of view and to work toward consensus;
- Work closely and cooperatively with local SSABs to develop the Board's annual work plan,

and, as applicable, the annual operating budget for the Board;

- Provide adequate resources to ensure administrative issues are addressed, such as advertising upcoming meetings, networking with the community, and seeking travel reimbursements;
- Ensure that member appointment packages are sent to DOE Headquarters with a recommendation for DOE Headquarter's approval. DOE Headquarter's approval of new and re-appointed members is required, with the exception of instances when the Board can appoint members; (Limited authority has been delegated to DOE Field Offices to appoint new local Board members to serve-out the remainder of the term of those members who have resigned, up to five appointments per calendar year; see Section III.c.3. below, "Delegated

Authority to the Field for EM SSAB Member Appointment");

- Providing timely written responses, as appropriate, to Board recommendations;
- Review local annual work plans (and budgets, as applicable), and incorporate into the EM budget development process; and,
- Coordinate with DOE Headquarters on EM SSAB issues and processes.

### *II.c. Designated Federal Officer (DFO)/Deputy Designated Federal Officer (DDFO)*

Under FACA, each Federal advisory board is required to have a Designated Federal Officer (DFO), in this case a DOE employee who works closely with the Board. 5 U.S.C.A. App. II §10(e). The DFO for the EM SSAB is the Director of the Office of Intergovernmental and Public Accountability (EM-11). For local Boards, which are formally part of the EM SSAB, local DOE employees are appointed by the DFO to serve as on-site Deputy Designated Federal Officers (DDFOs) (a site may have more than one DDFO). DDFOs are responsible for performing the following FACA-mandated actions:

- Call for, attend, and adjourn Board meetings. *Id.*;
- Approve agendas. *Id.*;
- Ensure that conflict-of-interest regulations are followed. DOE M 510.1-1 at IV-8;
- Ensure required records on Board costs and membership are maintained. 5 U.S.C.A. App. II § 12(a); and,
- Make records available to interested members of the public. *Id.* § 11.

In addition to the FACA-related responsibilities, the DDFO has the following role:

- Ensure that senior DOE managers responsible for environmental cleanup and, as appropriate, their Environmental Management contractor staff attend and participate in the Board meetings; and,
- Ensure that the local SSAB has the opportunity to offer advice and recommendations that may affect the EM decision-making process. As such, the DDFO must ensure that DOE's decision-making process is clearly communicated; suggest site activities and policy issues on which the Board's input would be useful; inform the local SSAB of Departmental programs, projects, and activities directly affecting the Board's mission and purpose; work closely and cooperatively with the Board to prioritize issues; develop an annual work plan that includes goals for the coming year; and approve the Board's annual work plan.

**II.d SSAB Members**

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The success and effectiveness of local SSABs depends largely upon the interest, commitment, input, and integrity of its members. To assist the members in understanding their responsibilities, a list of expectations follows. In general, local Board members are expected to:

- Attend meetings;
- Participate in an open, constructive, and respectful manner;
- Provide advice and recommendations to DOE decision-makers at the Field and Headquarters levels on relevant environmental management issues;
- Act as a conduit for the exchange of information between the community, the Department, and environmental oversight agencies on relevant issues; and,
- Review, evaluate, and comment on environmental management documents and other materials.

**III. Operating a Local Site-Specific Advisory Board**

**III.a. Public Participation and Record Keeping**

FACA requires the Department to be responsible for ensuring that the public is allowed to participate in local EM SSAB meetings; that notification of all Board meetings are published in the *Federal Register*; that "detailed" minutes (i.e., "containing a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee") are kept; and that records are available to the public. 5 U.S.C.A. App. II § 10(a)(1) - (c).

**III.a.1. Public Participation**

Board meetings are open to the public. Id. § 10(a). As such, FACA regulations require that the time and location of the Board meetings be reasonably convenient and accessible to allow for public participation. 41 CFR § 101 – 6.1021.

During the meetings, the public can submit written statements to the DDFO five days prior to the meeting. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the end of the meeting.

Although not required by FACA regulations, as a matter of professional courtesy DOE requests that all media coverage be coordinated with the local DOE Operations, Field or Area Office public affairs office. Board meetings are open, the press is welcome, and each Board should establish its protocols regarding equipment and interviews. To minimize disruption to participants, media personnel are further requested to position and remove equipment only while the meeting is not in session. In turn, the equipment should not interfere with the orderly conduct of the meeting. DOE M 510.1-1 at V-2.

**III.a.2. Public Notification: The Federal Register**

Ensure that a notice of a meeting appears in the *Federal Register* at least 15 calendar days prior to the meeting. Therefore, *Federal Register* notices should be sent electronically to EM-11 at least 20 calendar days in advance and must include: (*see generally*: 41 CFR § 101 – 6.1015.)

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- The exact name of the advisory board as chartered (i.e., EM-SSAB [site name]);
- The date, time, and place of the meeting;
- The name, address, and telephone number of the individual to be contacted for further information relative to the meeting;
- The purpose of the Board;
- A summary of the agenda;
- A statement that the meeting is open to the public;
- The name, address, and telephone number of a contact for citizens who wish to make oral presentations before the Board or submit a written statement;
- The location(s) where meeting minutes will be made available to the public and the individual to contact to acquire copies of the minutes; and,
- Information on the public comment period.

### ***III.a.3. Minutes and Records***

The local site board chair, or DDFO if no chair or vice-chair is present, must certify (i.e., vouch for the truth of) the minutes. The minutes must include the following elements: (*see generally*: 5 U.S.C.A. App. II § 10(c) and 41 CFR § 101 – 6.1025)

- Name of the Board;
- Meeting time, date, and place;
- A list of meeting attendees to include local SSAB members and staff, DOE employees, members of the public presenting oral and/or written statements, and an estimated number of other members of the public present;
- Names of any members who may have recused themselves from the meeting or a portion thereof, and their reasons for doing so;
- An accurate description of each matter discussed and the resolution, if any, made by the local site Board of such matter; and,
- Copies of each recommendation used, or approved by the local SSAB.

The Board and DOE must maintain copies of records, reports, minutes, transcripts, memoranda, and other documents for public inspection and copying (for the actual cost of duplication). Local SSAB records should be maintained and distributed as follows:

- One copy of all local Board reports, minutes, transcripts (where applicable), recommendations and responses, self-evaluations, and SSAB work plans should be forwarded by the DDFO or local SSAB Federal coordinator to the local reading room or other appropriate information resource center(s); and,
- One copy of the materials described above should be sent to the U.S. Department of Energy, Freedom of Information Public Reading Room, 1000 Independence Ave., S.W., Forrestal Building, Room 1E-190, Washington, D.C. 20585) for public use.

Two copies of Board minutes or transcripts and ten copies of each annual report should be sent to the Deputy Advisory Committee Management Officer at the following address: U.S.

Department of Energy, 1000 Independence Avenue, S.W., MA-71, Room 7E-028, Washington, D.C. 20585. From these materials, the Deputy ACOMO will forward one copy of the minutes and eight copies of annual reports to the Library of Congress.

One copy of Board minutes, transcripts (where applicable), annual reports, SSAB recommendations, DOE responses, annual self-evaluations, and local Board annual work plans should be sent to EM-11 for its files.

### ***III.b. Board Recommendations and DOE Responses***

The Department is responsible for providing information to local SSABs and for responding to Board recommendations in a timely fashion. In general, DOE Operations, Field and Area Offices are responsible for reply to site-specific recommendations, while EM Headquarters should reply to Board recommendations about national or cross-site issues. All DOE written responses should include the following:

- A clear statement of acceptance or rejection of the recommendation, in whole or in part;
- If the recommendation is accepted in whole or in part, a statement about how the changes will be implemented and in what time frame;
- If the recommendation is rejected in whole or in part, a substantive reason for the decision, as well as, possible alternatives for addressing the concerns or issues raised in the recommendation; and,
- If unresolved issues still remain, DOE should indicate this in written correspondence to the local SSAB with the goal of establishing (or continuing) a near-term mutual dialogue to work through area(s) of disagreement.

### ***III.c. SSAB Membership***

#### ***III.c.1. SSAB Membership Composition***

The membership of local EM SSABs is composed primarily of those who are interested and affected by site cleanup activities. FACA requires that the Board be "fairly balanced in terms of points of view represented and functions to be performed" (5 U.S.C.A. App. II § 5(b)(2) and 41 CFR § 101 - 6.1002(c)). In addition, Secretary Richardson's memorandum of November 6, 1998, requests the Board to ensure that "adequate outreach efforts are made when selecting members for Departmental advisory committees," and that "it is critical that the individuals selected are representative of the American population and in particular are representative of ethnic and gender diversity."

In order to comply with FACA and DOE policy requirements for diversity, the DOE Offices of the General Counsel, Management and Administration, and Environmental Management closely scrutinize Board membership for diversity reflective of the community from which Board members are drawn. Statistics from the U.S. Census Bureau serve as guidance for comparing Board membership with gender and ethnic diversity in the corresponding community. Board members may include, but are not limited to stakeholders from:

- Local governments

- Tribal governments
- Environmental organizations
- Labor organizations
- Universities and colleges (including Historically Black Colleges and Universities, Tribal, and Hispanic institutions)
- Minority organizations
- Women's groups
- Business groups
- Civic/religious groups
- Waste management/environmental restoration firms (Note: These members will require a letter of exception, per section IV. below.)
- DOE contractor employees/DOE consultant employees (Note: These members will require a letter of exception, per section IV. below.)

Officials from the DOE, Environmental Protection Agency, and State governments serve as *ex officio* members on the local Boards. On some Boards, Tribal Nations and Local Governments have chosen to serve as *ex officio* members.

### ***III.c.2. New Member Appointment***

The Secretary of Energy has delegated authority for SSAB member appointments to the Assistant Secretary for EM. The standard term for Board members is for two years, and members typically serve no more than three consecutive two-year terms. In addition, their appointments are usually staggered so that at least one-third of the membership is retained for continuity.

Upon recommendation of the DOE, Operations, Field or Area Offices, an information package should be provided, no less than six weeks in advance of the desired appointment date for new members or re-appointments, in either electronic or hard copy to the Office of Intergovernmental and Public Accountability (EM-11). It is critical that sites submit packages in sufficient time for DOE Headquarters to conduct its review and concurrence process.

The General Counsel and the DOE Federal ACMO (MA-71) will review Board nominations to ensure compliance with FACA requirements, as well as GSA and Departmental requirements. Sites must include the following information in their member appointment packages: (*see generally*: DOE M 510.1-1 at V-2.)

- Names and addresses of all proposed members (i.e., both new appointments and re-appointees), including *ex officio* members (plus telephone and fax numbers, and e-mail addresses, if available). Please note that due to privacy concerns, private home addresses and telephone numbers of Board members should not be provided as part of these packages. All correspondence should be addressed to SSAB Administrators;
- Biographies for all proposed members, including *ex officio* members;
- Completed membership criteria matrices for proposed and current members. *Ex officio* members need not be included (See Appendix A for sample matrices);
- Names and companies of contractors requiring letters of exception to serve on the Board;

- Outreach efforts conducted to attract new members;
- A brief account of the local SSAB's history.

Pursuant to FACA, appointments to the Board should be fairly balanced and reflect the Department's policy of promoting diversity in its decision-making. This was affirmed in a November 6, 1998, memorandum from Secretary Richardson on advisory committee membership. In this memorandum, the Secretary acknowledges the invaluable role of the Department's various advisory Boards and encourages DOE Operations, Field, or Area Offices to select members who are representative of ethnic and gender diversity.

All DDFOs and Federal Coordinators should note, in particular, the requirement in the Secretary's memo that "all future advisory committee membership packages must include information detailing specific outreach efforts made to achieve proper diversity." Therefore, a write-up detailing these specific community outreach efforts (including solicitation efforts, and the nomination and selection process) made by the DOE Operations, Field or Area Office to achieve proper diversity on the local Board must also be included in the membership package. DOE Headquarters closely scrutinizes the membership packages for diversity which is reflective of the community from which the Board draws its members.

### ***III.c.3. Delegated Authority to the Field for EM SSAB Member Appointment***

Guidance from DOE Headquarters, dated June 1996 and reaffirmed in February 1999, clarified the extent of authority to the Field to appoint. The Secretary of Energy has delegated authority for EM SSAB member appointments and re-appointments to the Assistant Secretary for Environmental Management. This includes initial appointments for positions which were established in the SSAB's by-laws, operating procedures, or charter, but which, to date, remain unfilled.

These types of appointments require concurrence from the Headquarter's Office of Intergovernmental and Public Accountability (EM-11), the Office of General Counsel (GC-80), and the Office of Management and Administration (MA-7).

In turn, DOE Operations, Field and Area Offices have been delegated limited authority to appoint new SSAB members *only* to replace members who have resigned (i.e., those with time remaining in their membership terms) and *only* under the following terms and conditions:

- The appointments can be made *only* for the remainder of the previous member's term;
- No more than five total replacement appointments can be made by the sites in any given calendar year; and,
- When appointing new members under this delegated authority, DOE Operations, Field, and Area Office managers must comply with FACA, GSA, and DOE regulations, including appropriate conflict-of-interest restrictions.

### ***III.c.4. Removal and Resignation of SSAB Members***

In accordance with local EM SSAB by-laws and/or operating procedures, DOE Operations, Field and Area Offices may recommend to DOE Headquarters (EM-11) that local Board members be removed from the SSAB due to chronic non-attendance at regularly-scheduled Board meetings (for example, missing either three consecutive EM SSAB meetings, or having three absences in a given calendar year). DOE retains ultimate appointment and removal authority.

Members who wish to resign from the Board are requested to submit a letter to the Assistant Secretary for Environmental Management, with copies to the DDFO and the local EM SSAB Chair and Board Administrator.

### ***III.d Outreach***

DOE staff should work with local SSAB members to ensure that the community is aware of and engaged in Board activities. EM SSAB Federal Coordinators should ensure that Board outreach activities are appropriately coordinated with other DOE Operations, Field and Area Office public involvement activities. DOE Operations, Field, or Area Offices may choose to provide supplemental resources for local Boards to establish and maintain their outreach activities. As discussed above, the Board should be reflective of the gender, minority, and ethnic diversity in the community from which the Board draws its members. Outreach efforts should be targeted to achieve such diversity.

### ***IV. Conflict-Of-Interest***

A conflict-of-interest arises when a matter before the Board has a direct and predictable effect on a member, or persons, agencies, companies, or organizations which that member is related to, financially, or otherwise. In this case, an issue would still create a conflict-of-interest if it would affect the following people or groups related to the member: spouses, minor children, general partners, organizations in which members serve as officers, directors, trustees, general partners, or employees, and any persons or organizations with whom members are negotiating employment.

Board members are expected to disclose any actual or perceived conflicts-of-interest in connection with their service as soon as they become aware of them. Further, they are not to participate in discussions of any matter in which they have a conflict-of-interest, or where a member's participation would cause a reasonable person with knowledge of the relevant facts to question their impartiality.

Appointing or re-appointing local Board members, such as DOE contractor employees, who reasonably may be expected to have a potential conflict-of-interest regarding certain issues that might be considered by the Board, is to be avoided. Appointment of an individual with such a potential for a conflict-of-interest is permissible *only* when necessary to achieve balance or diversity on a local Board. A letter of exception allowing this individual to join the Board must be signed by the Advisory Committee Management Officer. (See Appendix for a sample letter of exception.) A memorandum must be included in the membership package that describes why this individual's appointment is deemed essential and the lack of success of targeted outreach efforts to identify alternative nominees without such a potential for a conflict-of-interest.

If such a member is appointed, the local site DDFO is required to take special care to ensure that the appointment of this member will not result in a conflict-of-interest. In the event of a conflict-of-interest or should a potential conflict-of-interest arise, a statement is required to be included in the local site Board minutes detailing such potential conflict-of-interest, and the action taken to remove it.

New member qualifications are reviewed by the Assistant General Counsel for General Law for conflict-of interest issues, while mid-term replacements are handled by the Field Counsel. If a proposed mid-term appointment exhibits a conflict-of-interest, the local DDFO must provide the

Assistant General Counsel for General Law at the field with copies of the proposed member's financial disclosure forms, as well as any other relevant materials.

Local SSAB members are required to recuse themselves from participating in any meeting, study, recommendation or other Board activity which might present a conflict-of-interest. Should a conflict-of-interest prove unavoidable, the Board should inform all affected members and allow them time to disqualify themselves from participating in that matter. In addition, members should take care to comply with the following requirements:

- Members will refrain from any use of their membership that is, or gives the appearance of being, motivated by the desire for private or corporate/organizational gain;
- Members will not use for private gain, either directly or indirectly, any inside information obtained as a result of Board service;
- Members will not use their positions in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom he/she has family, business, or financial ties; and,
- Members will follow the prohibitions on accepting gifts codified in 5 CFR § 2635.201 et seq. (*see generally*: DOE M 510.1-1 IV - 8)

#### *V. Funding and Other Support*

In 1997, the funding of local SSABs became the responsibility of DOE Operations, Field and Area Offices. Accordingly, DOE Operations, Field, and Area Office managers should provide adequate funding to local SSABs to enable them to operate efficiently and effectively.

DOE Operations, Field, and Area Office managers, through the DDFO and SSAB Federal Coordinator, must work closely and cooperatively with the local EM SSAB to develop a budget that is consistent with the Board's mission, scope, and annual work plan. To ensure that funding for local SSABs is consistent across the complex, Field managers should report the level of funding to DOE Headquarters annually. After the work plan is approved by the Board and DDFO, the DOE Operations, Field or Area Office should provide sufficient funding to carry out the work plan.

FACA requires DOE to provide administrative and technical support, including:

- Daily administrative and meeting-related tasks, such as distributing information, arranging meeting logistics and notes, and performing various types of record keeping. 5 U.S.C.A. App. II § 12(b); and,
- Additional types of support, including coordination of meetings and agendas, coaching members and presenters, and monitoring emerging issues and activities.

In addition, local Boards are encouraged to use an independent facilitator to ensure that Board members set and reach meeting objectives, maintain focus, work as a team, strive for consensus, and operate at maximum efficiency.

Boards may also request that DOE fund independent technical reviews of key issues or provide ongoing technical assistance to the Board. Field Offices and Headquarters should ensure that technical assistance funding is used to complement, rather than duplicate, the technical programs of both DOE and its regulating agencies.

## **VI. Reimbursement of Expenses and Compensation for Board Members**

### **VI.a. Compensation for Board Members**

Local SSAB members are not compensated by the Department for their service, except when their participation is required to ensure a balanced Board, in accordance with FACA regulations. If a Board needs a particular member so that it meets the diversity requirements, then this member must provide proof that he/she is not compensated for participating in Board matters. Such proof may be either a statement from an employer or an earnings statement indicating that the applicant is not being compensated for participating in local EM SSAB matters. Salary and personal information may be removed from any materials submitted.

In certain cases, however, DOE regulations provide for compensation of an individual whose presence is deemed necessary, but is unable to join a Board because of financial considerations. To compensate an individual, the Department must determine that he/she:

- Represents a constituency, demographic group, or geographic region whose input is needed to ensure a balance of diverse backgrounds and viewpoints on the Board; or is representative of minority, economically disadvantaged, or ethnic communities whose participation is necessary for a balanced Board; and,
- Is unable to serve on the Board unless compensated for his/her services, and that he/she will not receive compensation from any other source.

Candidates who must be compensated to participate in SSAB matters, and whose presence is deemed essential for Board balance, will be paid at the daily rate for a GS-6 Federal employee for services performed for and at the request of the Department. The daily rate will be payable for service of eight hours or more in a calendar day, including Saturdays, Sundays or holidays. The hourly rate is one-eighth of the daily rate.

No additional pay should be provided for service, including travel time, in excess of eight hours in any calendar day. No member will be given holidays off with pay, paid a premium rate for work on a holiday, or otherwise compensated at an overtime rate. No member will be compensated for more than 1,040 hours in a fiscal year.

Local EM SSAB members receiving compensation for their services will be considered special Federal government employees, as defined in 18 U.S.C. 9202. Members who are Special Government Employees must receive annual ethics training, and fill out annual confidential financial disclosure reports (OGE 450s). (*see generally*: 41 CFR § 101 – 6.1033 and DOE M 510.1-1 IV – 3 - 4)

### **VI.b. Travel Reimbursements**

Advisory Board members will be reimbursed for travel expenses accrued on EM SSAB business conducted away from their residence or business establishment on a per diem or subsistence method. If a member lives or works within commuting distance of the official Departmental work place, he/she will be ineligible for commuting costs, per diem, or other subsistence payments.

General information on travel-related matters can be found in DOE Order 1500.2A, "Travel Policy and Procedures." Members with questions on travel requirements or reimbursements

should consult with their local DOE Operation, Field or Area Office prior to commencing travel or completing the reimbursement voucher. In addition, SSAB Federal Coordinators and DDFOs are responsible for determining, after consultation with appropriate offices and/or individuals at their Field sites, whether it is appropriate to fund official travel for non-SSAB members or *ex officio* SSAB members to specific SSAB-related activities; and if so, how it should be funded.

Reimbursement for travel is as follows:

- **Tickets:** Generally, DOE will provide local SSAB members with a Federal government fare common carrier ticket. If DOE is unable to provide a member with a common carrier ticket, the member may purchase it directly. When transportation costs exceed \$100.00, a senior DOE official must review and approve the purchase before the traveler can be reimbursed. Ticket costs may not exceed the Federal government-authorized fare. Unused tickets should be returned promptly to the appropriate DOE Operations, Field or Area Office.
- **Travel Methods:** The Department will reimburse SSAB members for the least costly reasonable form of transportation.
- **Air Travel:** Airfare is limited to regular, round-trip, coach-class fare or, when available, Federal government contract airline fare between the member's residence or business establishment and the meeting site. When travel is between certain cities served by a Federal government contract airline, that airline must be used. A non-contract airline may be used only when a contract airline is unavailable. The Department will provide air passengers with an open, round-trip, coach-class or contract fare ticket, if available. Since different airlines may charge different fares for travel between identical locations, DOE will seek to purchase the lowest cost airfare. If the travel can be accomplished through the Federal government contract airline program, DOE will provide an airline ticket.
- **Privately Owned Vehicle:** The Department will reimburse the member at the mileage allowance rate and for actual bridge, turnpike, ferry, and parking fees. (Total travel expenses by privately owned vehicle generally shall not exceed the usual cost by common carrier.) DOE will not reimburse a member for rental car charges, unless its use has been justified and previously approved. In addition, DOE will reimburse members for charges for buses, limousines, and subways; and taxi fees (when they are the most appropriate means of transportation).
- **Lodging, Meals, and Incidental Subsistence Expenses:** The Department will reimburse members for lodging, meals, and incidental expenses via a per diem allowance. Per diem rates include a maximum amount for lodging expenses. A member will be reimbursed for actual lodging costs up to this amount supported by receipts. Travelers receive a fixed allowance for meals and incidental subsistence rate is and need not submit expenses or receipts. If a member is authorized to travel on an actual expense basis rather than a per diem basis, the Department will reimburse him/her for actual lodging and subsistence expenses. Reimbursement may not exceed the maximum daily amounts allowed for these expenses.

With respect to lodging, a member is responsible for: arranging, confirming, changing or guaranteeing his/her own hotel reservations. DOE will reimburse actual lodging cost, not to exceed the maximum daily rate specified for lodging.

- **Travel Expense Reimbursement Vouchers:** Information on completing travel expense reimbursement vouchers can be found in DOE Order 1500.2A, "Travel Policy and Procedures."
- **Unallowable Expenses:** As a general rule, Federal agencies may not use appropriated funds to pay for food at meetings. However, the Department of Energy Act does provide specific authority to provide per diem expenses to Federal advisory board members who must travel to attend meetings or otherwise serve at the request of the Secretary of Energy (see 42 U.S.C. 97234). In addition, some General Accounting Office decisions do provide some very narrow exceptions to the general rule and may authorize food allowances for local SSAB members who are not on travel. Accordingly, the Office of Chief Counsel at each DOE site should review individual situations on a case-by-case basis to ensure compliance with Federal appropriations laws. (*see generally*: DOE M 510.1-1 Chapter VI.)

### ***VII. Evaluation and Team Building***

The DOE Operations, Field, and Area Office managers should coordinate and assist the Board and DOE Headquarters in performing periodic (e.g., annual) evaluations. These evaluations may consist of: a formal survey of selected individuals, including Board members, *ex officio* members and members of the general public; site visits and discussions with local SSAB members and others; a review of recommendations, reports and meeting minutes submitted by local site boards; and/or a more systematic, qualitative assessment.

In addition, toward the end of each fiscal year, local Boards are requested to conduct a self-evaluation (either formal or informal) of their operations and progress made during the previous year, in order to assist members in gaining insight into the Board's strengths and weaknesses, with the aim of improving the Board's overall effectiveness. Finally, Board members are also encouraged to hold periodic retreats in order to evaluate their goals and processes and to engage in team building activities. These should be provided for in the annual work plan.

### ***VIII. Board Termination***

All local SSABs operate under the charter of the national EM SSAB, which is renewed biennially. If that charter is not renewed, all SSABs will terminate automatically. Once the chartered purpose for a local Board no longer exists, the DDFO, in consultation with DOE Headquarters, members of the local EM SSAB and with *ex officio* members, should begin establishing a time table for dis-establishing the local Board. After a decision to terminate the Board is made, the DOE Operations, Field, and Area Office manager should send a memorandum to the Assistant Secretary for the Office of Environmental Management informing the Assistant Secretary of the termination of the Board. The memorandum should note the reasons for the Board's termination, as well as its accomplishments over the years.

**Statutes:**

Federal Advisory Committee Act (FACA), 5 U.S.C.A. App. II §§ 1 - 15 (1997) (original version at Pub. L. No. 92-463, 86 Stat. 770 (1972))

**Regulations:**

Federal Advisory Committee Management, 41 CFR § 101-6.10. (1998).  
*see also:* 52 Fed. Reg. 45926 (1987).

**Specific Agency Regulations:**

Office of Human Resources and Administration, U.S. Department of Energy (DOE), Pub. No. DOE M 510.1-1, *Advisory Committee Management Program* (1996).

**Charter:**

Office of Environmental Management, Office of Intergovernmental and Public Accountability, U.S. Department of Energy *Amended Charter: Environmental Management Site Specific Advisory Board* (1994).

**Memoranda:**

Memorandum from Martha Crosland, Acting Director for the Office of Intergovernmental and Public Accountability, U.S. Department of Energy, entitled, "Authority to Appoint EM Site-Specific Advisory Board (SSAB) Members" (February 3, 1999)

Memorandum from James M. Owendoff, Acting Assistant Secretary for Environmental Management, U.S. Department of Energy, entitled, "Environmental Management Site-Specific Advisory Board" (March 5, 1998)

Memorandum from William Richardson, Secretary of Energy, entitled, "Membership of Departmental Advisory Committees" (November 6, 1998)

**Historical Documents:**

Office of Environmental Management, U.S. Department of Energy *Site-Specific Advisory Board Guidance (Final)* (January 1996).

**Surveys and Studies:**

Judith Bradbury, Ph.D., and Kristi Branch, Pacific Northwest National Laboratory (PNNL), *An Evaluation of the Effectiveness of Local Site-Specific Advisory Boards for U.S. Department of Energy Environmental Restoration Programs* (February 1999).

Federal Facilities Environmental Restoration Dialogue Committee (FFERDC), Keystone Center, Keystone, CO, *Consensus Principles and Recommendations for Improving Federal Facilities Cleanup* (1996).









**TRANSMITTAL MEMO:  
Statements of Principles Between  
DOE and States**

TO: All FCAB Members  
FROM: Doug Sarno  
DATE: 1/31/00

The attached principles are a result of a process undertaken by Secretary Richardson to improve relationships with states and identify areas of common interest. I have also included a recent statement from EM on the steps it sees as essential for communicating its message. The SSAB Chairs are considering a similar declaration and will begin discussion at their February meeting. There is no specific action item for us, but these statements provide important background information for us in understanding the context of other sites' decisions and potential future actions we may wish to take at Fernald.

# COMMUNICATING EM'S MESSAGE

## THEMES

- **SAFETY**  
Putting health and safety of workers, public and the environment at top of the list
- **GOOD PROJECT MANAGEMENT**  
Establishing and maintaining sound project management complex wide
- **SCIENCE AND TECHNOLOGY**  
Applying the best science and technology to remedy problems, reduce costs and solve long term problems
- **LONG-TERM STEWARDSHIP**  
Developing an effective stewardship program to address long-term management
- **KEEPING OUR PROMISES**  
Making good on our word by meeting our commitments
- **PUBLIC CONFIDENCE**  
Bolstering public confidence through greater openness, stakeholder involvement, tribal collaboration and community outreach AND demonstrable progress in the five areas above.

# STATEMENT OF PRINCIPLES

## United States Department of Energy State of Colorado

### I. Common Interests

- Completing the cleanup of the nuclear weapons legacy as expeditiously as possible and in compliance with state and federal requirements
- Obtaining a commitment to predictable and adequate funding to complete the cleanup
- Optimizing the dollars within each site to ensure a program that addresses risk reduction, compliance and completing the cleanup
- Continuing investments in science and technology
- Finding ways, where feasible and cost effective, to integrate our waste management challenges among sites
- Ensuring safe and efficient transportation of nuclear and hazardous waste
- Ensuring credible and flexible regulatory oversight needed to accomplish real environmental cleanup results
- Recognition that our sites are vast natural resource assets
- Commitment to protect our groundwater resources

### II. How we can work together to achieve our common interests

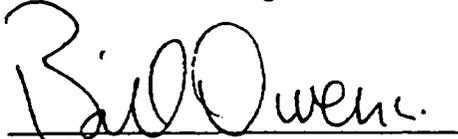
- Ongoing and active consultation and communication between individual Governors and the Secretary and among the collective group
- Timely and complete sharing of information and response to issues of concern
- Commitment to Executive involvement and communication to resolve disputes, in particular, in advance of initiation of any legal action
- Development of mechanisms to ensure that individual decisions are not made in a vacuum and that the cumulative impact of these decisions can be easily understood

- Better education of the public, the Congress, and the Administration on the historic and continued importance of our sites and the need for predictable and adequate funding to complete the cleanup
- Commitment to use land and other assets for other purposes
- Greater attention paid to the future role and mission of each site and its place within the overall complex
- Development of better mechanisms for interaction with stakeholders

### III. Issues of specific interest to the State of Colorado

The DOE and the State of Colorado will continue to work together to achieve the following goals:

- Closure of the Rocky Flats site by 2006
- Determine a shipping rate for transuranic waste to the Waste Isolation Pilot Plant (WIPP) that is consistent with the accelerated closure of the site
- Develop a plan for the on-site storage of transuranic waste, pending shipment to WIPP, that addresses the needs of DOE, the State and the surrounding communities
- Develop and implement a final disposition path for low-level waste and mixed low-level waste from the site
- Ensure an appropriate disposition path for plutonium residues, metals and oxides from the site, consistent with current schedules
- Develop cleanup levels for site parcels that meet applicable regulatory requirements and are mutually acceptable to the DOE, the State, and local communities
- Develop land use options that are mutually acceptable to the DOE, the State, and the surrounding communities



Bill Owens  
Governor of Colorado

Date: 9/10/99.



Bill Richardson  
Secretary of Energy

Date: 9/10/99

# STATEMENT OF PRINCIPLES

## United States Department of Energy State of South Carolina

### I. Common Interests

- Completing the cleanup of the nuclear weapons legacy as expeditiously as possible and in compliance with state and federal requirements
- Obtaining a commitment to predictable and adequate funding to complete the cleanup
- Optimizing the dollars within each site to ensure a program that addresses risk reduction, compliance and completing the cleanup
- Continuing investments in science and technology
- Finding ways, where feasible and cost effective, to integrate our waste management challenges among sites
- Ensuring safe and efficient transportation of nuclear and hazardous waste
- Ensuring credible and flexible regulatory oversight needed to accomplish real environmental cleanup results
- Recognition that our sites are vast natural resource assets
- Commitment to protect our groundwater resources

### II. How we can work together to achieve our common interests

- Ongoing and active consultation and communication between individual Governors and the Secretary and among the collective group
- Timely and complete sharing of information and response to issues of concern
- Commitment to Executive involvement and communication to resolve disputes, in particular, in advance of initiation of any legal action
- Development of mechanisms to ensure that individual decisions are not made in a vacuum and that the cumulative impact of these decisions can be easily understood
- Better education of the public, the Congress, and the Administration on the

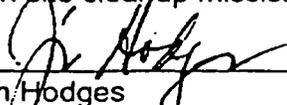
historic and continued importance of our sites and the need for predictable and adequate funding to complete the cleanup

- Commitment to use land and other assets for other purposes
- Greater attention paid to the future role and mission of each site and its place within the overall complex
- Development of better mechanisms for interaction with stakeholders

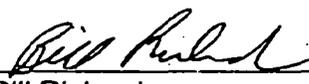
### III. Issues of specific interest to the State of South Carolina

The DOE and the State of South Carolina will continue to work together to achieve the following goals:

- Determine a shipping schedule for transuranic waste
- Work together to define a long-term mission and a long-term comprehensive plan for the Savannah River Site (SRS) consistent with the needs of DOE, the State, and surrounding communities
- Ensure that cleanup activities stay on schedule, including the pursuit of sufficient funding to maintain the schedule
- Ensure a disposition path for high level waste
- Find mutually acceptable solutions to disposal of low level waste and mixed low level waste
- Develop a plan for use/closure of the canyons that addresses the needs of DOE, the State and the surrounding communities
- Assure funding adequate to support new missions and offsite waste/materials processing, handling and storage
- Ensure that SRS is treated equitably in allocation of Congressional "general reductions"
- Provide adequate grant funding to support state regulatory and oversight programs
- Establish a plan for decontamination and decommissioning that is integrated with site cleanup mission

  
 \_\_\_\_\_  
 Jim Hodges  
 Governor of South Carolina

Date: 9-10-99

  
 \_\_\_\_\_  
 Bill Richardson  
 Secretary of Energy

Date: 9-10-99

# STATEMENT OF PRINCIPLES

## United States Department of Energy State of Tennessee

### I. Common Interests

- Completing the cleanup of the nuclear weapons legacy as expeditiously as possible and in compliance with state and federal requirements
- Obtaining a commitment to predictable and adequate funding to complete the cleanup
- Optimizing the dollars within each site to ensure a program that addresses risk reduction, compliance and completing the cleanup
- Continuing investments in science and technology
- Finding ways, where feasible and cost effective, to integrate our waste management challenges among sites
- Ensuring safe and efficient transportation of nuclear and hazardous waste
- Ensuring credible and flexible regulatory oversight needed to accomplish real environmental cleanup results
- Recognition that our sites are vast natural resource assets
- Commitment to protect our groundwater resources

### II. How we can work together to achieve our common interests

- Ongoing and active consultation and communication between individual Governors and the Secretary and among the collective group
- Timely and complete sharing of information and response to issues of concern
- Commitment to Executive involvement and communication to resolve disputes, in particular, in advance of initiation of any legal action
- Development of mechanisms to ensure that individual decisions are not made in a vacuum and that the cumulative impact of these decisions can be easily understood

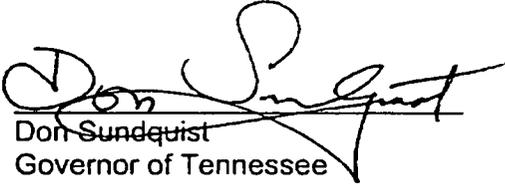
- Better education of the public, the Congress, and the Administration on the historic and continued importance of our sites and the need for predictable and adequate funding to complete the cleanup
- Commitment to use land and other assets for other purposes
- Greater attention paid to the future role and mission of each site and its place within the overall complex
- Development of better mechanisms for interaction with stakeholders

### III. Issues of specific interest to the State of Tennessee

The DOE and the State of Tennessee will continue to work together to achieve the following goals:

- Ensure sufficient annual funding to continue cleanup in accordance with existing agreements and in compliance with applicable regulations and orders as soon as practicable after the start of FY 2000
- Finalize and implement a final disposition path for low level waste and mixed low level waste generated and/or stored on the Oak Ridge Reservation as expeditiously as possible
- Develop and implement a shipment and disposal plan for remote handled transuranic (TRU) waste that complements operation of the Oak Ridge Reservation TRU waste processing facility
- Develop cleanup levels for parcels that meet applicable regulatory requirements and are mutually acceptable to the Federal government, the State, and surrounding communities, in accordance with the Federal Facility Agreement for the Oak Ridge Reservation
- Develop a cleanup, land use and reindustrialization plan at the East Tennessee Technology Park (former K-25 site) that meets a mutually acceptable endpoint by December 1, 1999
- Develop and submit a plan on long term stewardship to Congress by October 1, 2000, consistent with the FY2000 Defense Authorization Bill, that is mutually acceptable to DOE, the State of Tennessee and surrounding communities
- Pursue disposition path for depleted uranium hexafluoride (DUF6), including discussion and decisions regarding final disposition of products, and ensure sufficient funding to package and transport DUF6 from Oak Ridge, Tennessee to Portsmouth, Ohio to meet the conversion start date of FY2004

- Ensure sufficient funds to support the public health forum and work with the surrounding communities toward a resolution of public health and safety concerns
- Finalize an agreement to ensure funding for long term surveillance and maintenance and sign a Record of Decision for an onsite CERCLA waste disposal facility, consistent with ongoing discussions between DOE and the State
- Develop and implement a revised TSCA Burn Policy, which will satisfy state equity and regulatory requirements and meet DOE complex-wide mixed waste treatment needs as expeditiously as possible

  
Don Sundquist  
Governor of Tennessee

Date: 9-10-99

  
Bill Richardson  
Secretary of Energy

Date: Sept 10, 99

# STATEMENT OF PRINCIPLES

## United States Department of Energy State of Washington

### **I. Common Interests**

- Completing the cleanup of the nuclear weapons legacy as expeditiously as possible and in compliance with state and federal requirements
- Obtaining a commitment to predictable and adequate funding to complete the cleanup
- Optimizing the dollars within each site to ensure a program that addresses risk reduction, compliance and completing the cleanup
- Continuing investments in science and technology
- Finding ways, where feasible and cost effective, to integrate our waste management challenges among sites
- Ensuring safe and efficient transportation of nuclear and hazardous waste
- Ensuring credible and flexible regulatory oversight needed to accomplish real environmental cleanup results
- Recognition that our sites are vast natural resource assets
- Commitment to protect our groundwater resources

### **II. How we can work together to achieve our common interests**

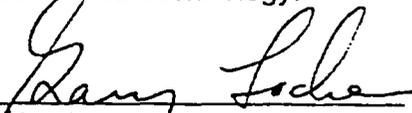
- Ongoing and active consultation and communication between individual Governors and the Secretary and among the collective group
- Timely and complete sharing of information and response to issues of concern
- Commitment to Executive involvement and communication to resolve disputes, in particular, in advance of initiation of any legal action
- Development of mechanisms to ensure that individual decisions are not made in a vacuum and that the cumulative impact of these decisions can be easily understood

- Better education of the public, the Congress, and the Administration on the historic and continued importance of our sites and the need for predictable and adequate funding to complete the cleanup
- Commitment to use land and other assets for other purposes
- Greater attention paid to the future role and mission of each site and its place within the overall complex
- Development of better mechanisms for interaction with stakeholders

III. Issues of specific interest to the State of Washington

The DOE and the State of Washington will continue to work together to achieve the following goals:

- Sustain commitment and funding to meet milestones in current agreements
- Substantial, specific progress in overcoming Hanford's largest threats to the Columbia River--a national and regional priority--including,
  - Begin initial retrieval and treatment of Hanford's liquid high level waste, with hot start of treatment facilities by 2007 and treatment of at least 10 percent of the waste by 2018, consistent with the target dates in the Tank Waste Remedial System privatization contract
  - Completion of tank waste treatment by 2028
  - Removal of spent nuclear fuel from K Basins by the end of 2003
- Take advantage of land use, economic development, and environmental protection opportunities that benefit the surrounding communities, Indian tribes, the State and the DOE, including making the Tri-Cities community a national and international leader in research, training and education associated with environmental technology.

  
 Gary Locke  
 Governor of Washington

Date: September 10, 1999

  
 Bill Richardson  
 Secretary of Energy

Date: Sept 10, '99