



## FCAB UPDATE

*Week of December 26, 2000*

(Last update was dated October 30, 2000)

### MEETING SCHEDULE

**DOE Cleanup Progress Briefing**

Tuesday, January 9, 2001, 6:30 p.m.

Services Building Conference Room

**Stewardship Committee Meeting**

Monday, January 8, 2001, 7:00 p.m.

Services Building Conference Room

**Full FCAB Meeting**

Saturday, January 13, 2001, 8:30 a.m.

Services Building Conference Room

### ATTACHMENTS

- Draft Full FCAB Meeting Agenda - 1/13/01
- FCAB Member Bios for your review
- Updated FCAB contacts
- Summary & Evaluation of SSAB Stewardship Workshop
- DOE Environmental Management SSAB Guidance
- Long-Term Stewardship of Contaminated Sites – Trust Funds as Mechanisms for Financing and Oversight
- News Clippings

### NEWS and ANNOUNCEMENTS

- Please note that the January Stewardship Committee meeting will be held on Monday, January 8<sup>th</sup> at 7:00pm instead of Thursday. We will be discussing the 2001 workplan and getting our activities for the year organized.
- Please review your bio and send any changes to Lois Yasutis at Phoenix Environmental. Updated bios will be posted on the FCAB website.

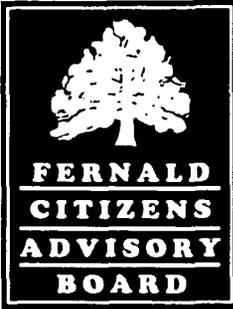
### FOR FURTHER INFORMATION

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**FULL BOARD MEETING AGENDA**  
**Site Services Building Conference Room**

**Saturday, January 13, 2001**

**Draft**

- 8:30 a.m. Call to Order
  - 8:30 – 8:45 a.m. Chair's Remarks and Ex Officio Announcements
  - 8:45 – 9:30 a.m. Upcoming Chairs Meeting
  - 9:30 – 10:15 a.m. Q&A on New Contract and Rebaseline
  - 10:15 – 10:30 a.m. Break
  - 10:30 – 11:00 a.m. WPRAP Update and Discussion
  - 11:00 – 11:30 a.m. Silos Update and Discussion
  - 11:30 – 11:45 a.m. Stewardship Plans for 2001
  - 11:45 – 12:15 a.m. New Member Candidates
  - 12:15 – 12:30 p.m. Public Comment
  - 12:30 p.m. Adjourn and Lunch
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## MEMBERS

**James C. Bierer:** A 7th and 8th grade science teacher in the Ross Local School District, which is located near the Fernald site. He was involved in DOE's Community Leaders Network and has helped develop education outreach programs for Fernald. He serves on the Fernald Site Technology Coordination Group (STCG) and Fernald Citizens Advisory Board.

**Sandy Butterfield:** A homemaker, who has lived adjacent to the Fernald Site for 35 years. She was a member of the Environmental and Health Committee for Feed Material Production Center (FEMP), which was a precursor to the FCAB. She is also a member of Fernald Residents for Environmental Safety and Health (FRESH) and of the Fernald Living History Project.

**Marvin Clawson:** A long-time area resident whose family owns property near the Fernald site. He is a retired farmer and toolmaker.

**Lisa Crawford:** President of the citizens group, Fernald Residents for Environmental Safety and Health (FRESH) and a long-time activist. She is employed as the volunteer coordinator for a state hospital, the Lewis (Pauline Warfield) Center.

**Stephen DePoe:**

**Louis Doll:** Site representative of the Greater Cincinnati Building Trades Council. He is a member of the Citizens Reuse Organization and Fernald Health Effect Subcommittee. He has worked at the Fernald plant for 16 years.

**Pamela Dunn:** An auditor with the State of Ohio, who works primarily in the greater Cincinnati area. She also is the treasurer of Fernald Residents for Environmental Safety and Health (FRESH). She received her BBA from the University of Cincinnati.

**Jane Harper:** A lifelong resident of Crosby Township. She has taught at Crosby Elementary School for almost 30 years and is currently serving her third term as a Crosby Township Trustee.

**Michael Keyes:** The current president of the International Guards Union of America Local 14 and recently negotiated a five-year contract with Flour Daniel Fernald. He has worked at Fernald for 17 years. He also is a member of the Fernald Citizens Reuse Organization.

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**Robert G. Tabor:** Labor/management Relations Liaison for the Fernald Atomic Trades and Labor Council (FATLC), one of the primary union organizations representing wage workers at the Fernald site. He attended Purdue University and Cincinnati University. In 1992, he completed the DOE/Westinghouse School of Environmental Excellence. He also is employed as a millwright at the Fernald site.

**Fawn Thompson:** A Traffic Specialist with the Ohio Department of Transportation. She has a background in scientific research, transportation engineering and transportation planning.

**Thomas E. Wagner:** A professor of community planning at the University of Cincinnati. His areas of specialty include dispute resolution and social planning. He has a doctorate in education. He serves as the Vice Chair of the Fernald Citizens Advisory Board.

**Gene Willeke:** A civic engineer, he is Director of the Institute of Environmental Sciences at Miami University and Professor of Geography, he received his doctorate from Stanford University and undergraduate degrees from Ohio Northern University.

### **Ex Officio Members**

**L. French Bell:** ATSDR lead for the Fernald site

**Stephen McCracken:** Site Manager, DOE-Fernald Environmental Management Project

**Gene Jablonowski:** Project Manager for the U.S. Environmental Protection Agency

**Graham Mitchell:** Chief of the Ohio Environmental Protection Agency's Office of Federal Facilities Oversight (OFFO)



## Contact Information

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## INTRODUCTION

The Rocky Flats Citizens Advisory Board (Rocky Flats CAB) hosted the 2000 U.S. Department of Energy (DOE) Environmental Management Site-Specific Advisory Board (EMSSAB) Stewardship Workshop in Denver, Colorado, on October 25-27, 2000. The EMSSAB workshops are conducted annually and involve the eleven site-specific advisory boards (SSABs) of the DOE nuclear weapons complex. The participating boards include Hanford, Washington; Savannah River, South Carolina; Oak Ridge, Tennessee; the Nevada Test Site, Nevada; Pantex, Texas; Northern New Mexico (Los Alamos); Sandia, New Mexico; Idaho National Engineering and Environmental Laboratory, Idaho; Fernald, Ohio; and the Rocky Flats Environmental Technology Site, Colorado. The Paducah, Kentucky SSAB did not participate.

The EMSSAB Stewardship Workshop in Denver was the fourth in a series of EMSSAB workshops developed to address national concerns. The first workshop, held in Las Vegas, Nevada in August 1998, addressed low-level waste disposal. The second workshop, on waste transportation issues, was held in Cincinnati, Ohio in May 1999. The third workshop, held in Oak Ridge, Tennessee in October 1999, focused on stewardship issues.

The 2000 EMSSAB Stewardship Workshop was the second of a two-part series on stewardship. The first EMSSAB Stewardship Workshop in Oak Ridge was developed to encourage a dialog among complex-wide SSABs on the specific stewardship issues facing their sites. The purpose of the first workshop was to identify key areas of shared concern and create draft statements about possible "Next Steps for Stewardship." Ten "Next Steps" statements were created out of five core topics. The core topics consisted of funding, roles and responsibilities, community involvement, linkages (relationships between stewardship and cleanup), and information management.

The purpose of the 2000 EMSSAB Stewardship Workshop was to draft between five to ten recommendations based in part on the ten "Next Steps" statements. The SSABs agreed to break down the recommendations into the following core topics, which varied slightly from the 1999 workshop core topics:

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1. Funding and contract compliance issues
  2. Roles and responsibilities
  3. Public involvement
  4. Timing for stewardship planning and implementation
  5. Information management

The participating SSABs agreed that recommendations resulting from the 2000 workshop would be submitted to their individual boards for ratification by February 2001. If approved, the recommendations will be submitted to DOE in the spring of 2001.



## 2000 EMSSAB STEWARDSHIP WORKSHOP

### DAY 1: Wednesday, October 25, 2000

The 2000 EMSSAB Stewardship Workshop began on Wednesday, October 25, 2000, with a site tour. DOE's Rocky Flats Field Office (DOE-Rocky Flats) presented the tour. Workshop participants were given a choice between a morning tour and an afternoon tour. The tour was conducted from a bus, but included the major areas of interest at the Rocky Flats Environmental Technology Site (RFETS), inside and outside the Protected Area. Specifically, the tour included the Industrial Area where decommissioning and demolition (D&D) of major structures is occurring, the Solar Ponds, the Buffer Zone, and the 903 Pad, a previous drum storage area.

In the evening, Kaiser-Hill Company, the primary contractor at RFETS, hosted an opening reception to welcome the workshop participants.

### DAY 2: Thursday, October 26, 2000

#### Opening Remarks

The EMSSAB Stewardship Workshop took place at the Executive Tower Hotel in downtown Denver, Colorado. The meeting began with opening remarks and introductions from the Rocky Flats CAB's chair, Dr. Gerald L. DePoorter.

#### Presentation by James Werner, Director of Long-Term Stewardship, DOE-Headquarters

At 8:30 a.m., James Werner, Director of Long-Term Stewardship, Office of Environmental Management at the U.S. Department of Energy, presented the keynote address on DOE-Headquarters activities relating to stewardship and DOE's response to the "Next Steps for Stewardship" statements, drafted during the 1999 EMSSAB Workshop.

Mr. Werner began his presentation with an overview of the DOE nuclear weapons complex. He explained that 34 sites have already completed cleanup and are conducting long-term stewardship. In addition, 33 sites are undergoing

remediation and will be partially cleaned up by 2006. Finally, 12 sites will not have any portion complete by 2006.

Next, he described long-term stewardship as a phased integrated system, whereby actual stewardship activities are woven into the cleanup stages of remediation before closure is complete. He explained that timing is an important aspect of stewardship for several reasons, such as the rapid growth of urban developments around weapons sites and political implications of changing administrations. Since some radionuclides, such as plutonium, decay over thousands of years, stewardship is a long-term issue.

According to Mr. Werner, the total estimated cost for the cleanup of legacy wastes is approximately \$200 billion. This estimate does not include cleanup to unrestricted use and factors in stewardship cost estimates. DOE has spent \$60 billion from 1989 to the present.

Congress has recognized that the federal government is responsible for long-term stewardship, and in 1999 asked DOE-Environmental Management to issue a report. The Fiscal Year (FY) 2000 National Defense Authorization Act (NDAA) requires the development of a Long-Term Stewardship Report. The report must identify the sites or portions of sites that will be cleaned to restricted use levels in 2006. In addition, the report must provide Congress with sufficient detail to undertake the necessary management and stewardship responsibilities, including cost, scope, and schedule. Mr. Werner provided a draft copy to the participants. DOE expects to deliver the final report to Congress in December 2000.

In addition to the NDAA Report, DOE prepared a draft Long-Term Stewardship Study to comply with the terms of a settlement between DOE, the Natural Resources Defense Council, and 38 other plaintiffs. This paper is a research document and will not be used to determine policies. The purpose of the study is to address national and crosscutting institutional and programmatic issues, not site-specific issues. The major topics covered by the stewardship study include hazard management, real property management, information management, funding and financial management, environmental and socioeconomic issues, and sustainability.

In addition to the reports, DOE is working on a number of tasks involving stewardship, such as a database of nuclear weapon site activities, a study on buried transuranic waste, an institutional management study, a DOE-Environmental Management web page (<http://its.apps.em.doe.gov>), a citizen monitoring and technical assessment fund, and funding analyses.

In August 2000, the National Research Council (NRC) issued a report on stewardship at DOE legacy waste sites. The report, although conceptual, defines stewardship as an institutional management system that requires an integrated and comprehensive

approach. Mr. Werner referenced the NRC report to emphasize the elements of an effective long-term stewardship program: planning, implementation, oversight, information management, periodic re-evaluation, research and development, and funding.

Finally, Mr. Werner responded to the "Next Steps for Stewardship" statements issued by the SSABs after the 1999 EMSSAB Stewardship Workshop. The following DOE developments address the citizens' concerns:

- Establishment of a legal mandate for assured stewardship funds for DOE, Department of Defense, and other agencies, which are separate from remediation funds.
- Development of a national policy on stewardship.
- Development of site-specific stewardship plans at each DOE site.
- Pursuit of legislation mandating the direct involvement of affected stakeholders in site-specific planning.
- Establishment of site-specific mechanisms for regular stewardship reviews and future broad-based stakeholder involvement and oversight.
- Development of a better understanding of the tradeoffs and relationships between cleanup and stewardship.
- Development and implementation of stewardship plans that take advantage of the dynamic nature of stewardship.
- Utilization and development of detailed, robust information systems and permanent systems containing minimal essential information.
- Utilization and development of information systems.
- Plans for education, legally binding documents, and other mechanisms to ensure sustainable responsibility for long-term stewardship.

Mr. Werner described these items in detail, specifically commitments to science and technology, government responsibility, funding, education, information management, and periodic re-evaluation.

#### Questions and Comments to the DOE Presentation

At 10 a.m., Jim Werner responded to questions and comments. Many of the comments touched on issues that would possibly be addressed in afternoon breakout sessions. Therefore, the breakout session facilitators took notes during this period and transferred the comments to flip charts, which would later be used to stimulate conversation during the breakout sessions.

## Site-Specific Presentations

At 12 noon, representatives from each SSAB gave site-specific presentations on the current status of cleanup and stewardship at their sites. The presentations were provided by:

- Joanne Ramponi (Sandia CAB)
- Sidney Blankenship (Pantex CAB)
- Frank Overbey (Nevada Test Site CAB)
- Lorene Sigal (Oak Ridge SSAB)
- David Kipping (Idaho CAB)
- James Brannon (Northern New Mexico CAB)
- Jerry DePoorter (Rocky Flats CAB)
- P.K. Smith (Savannah River Site CAB)
- Tom Wagner (Fernald CAB)
- Susan Leckband (Hanford Advisory Board)

Copies of the presentations were distributed at the meeting, and some can also be found in the EMSSAB Stewardship Workshop Resource Materials binder that was provided to each participant. (Please contact RFCAB staff if you need copies.)

## Core Topic Breakout Sessions

At 3 p.m., participants divided into groups based on the five pre-selected core topics:

1. Funding
2. Roles and Responsibilities
3. Public Involvement
4. Timing
5. Information Management

Each group was tasked to come up with two draft recommendations, on behalf of the SSABs, to be submitted to DOE-Headquarters. The groups used the ten "Next Steps for Stewardship" statements from the 1999 EMSSAB Stewardship Workshop for guidance. Summaries of the individual breakout groups are provided below:

### 1. Funding

Attendees: Dale Schutte (Nevada Test Site stakeholder), Jan Edelstein (Idaho CAB), M.J. Byrne (DOE-Albuquerque), Sidney Blankenship (Pantex CAB), Nancy Peters (Rocky Flats CAB), Tom Gallegos (Rocky Flats CAB), Bob Tabor (Fernald CAB), Harold Heacock (Hanford Advisory Board), Mary Lynn Fletcher (Oak Ridge SSAB), JoAnne

**Ramponi (Sandia CAB), Jerry Boese (Ross & Associates). Facilitator: James Hallmark (Pantex CAB). Recorder: Noelle Stenger (Rocky Flats CAB).**

The group focused their discussion on funding options including appropriation, trust fund, and entitlement mechanisms. One group member suggested that the federal government could give non-DOE lands to the counties as a form of long-term funding. These land grants could be managed by local governments to generate monies for funding stewardship at the local level. Another member suggested that DOE create one fund, of which all states contribute (DOE allocations) their estimated share of the costs to transport and manage wastes in the future.

The group raised many concerns regarding funding mechanisms. The group agreed that Congress, via appropriations, should be left out of the funding process because politics could threaten long-term funding. Some members expressed concern regarding the budgetary relationship between the DOE Defense program and the DOE Environmental Management program. Group members agreed that funds should be guaranteed.

The following recommendation was drafted during the first breakout session:

- Long term stewardship for the nuclear weapons complex must be a national priority. Funding for this stewardship must be removed from the annual congressional appropriations process. As a group, we support the use of a trust fund, with funding separated from the general revenues and maintained off budget.

Stakeholders must be involved in the ongoing allocation of the trust fund. A trust fund would eliminate competition for limited funds between stewardship and other programmatic needs.

## **2. Roles and Responsibilities**

**Attendees: Gerald DePoorter (Rocky Flats CAB), Susan Leckband (Hanford Advisory Board), Dennis Faulk (EPA-Region 10), Liz Hocking (Argonne National Laboratory), Jeri Osborne (Pantex CAB), Jim Osborne (Pantex stakeholder), Richard Nocilla (Nevada Test Site CAB), Charles Gorman (South Carolina DHEC), Deborah Griswold (DOE-Albuquerque), Beckie Gaston-Dawson (Savannah River Site CAB), Ted Truske (Sandia CAB), Annemarie Goldstein (Idaho CAB), Pam Dunn (Fernald CAB), Tom Schneider (Ohio EPA), Peery Shaffer (Oak Ridge SSAB), Charles Washington (Oak Ridge SSAB). Facilitator: Wendy Green Lowe (Idaho CAB). Recorder: Tisha Patton (Fernald CAB).**

The group began by reviewing the "Next Steps" document from the 1999 EMSSAB workshop. The group pulled language from the statement regarding a national

policy to draft their first recommendation. This national policy must include a legal basis, ongoing review, allowances for site-specificity, establishment of minimum standards, continuation of research and development support, funding, and stewardship termination criteria.

The group also discussed the importance of site-specific stewardship plans at each DOE site with the involvement of all stakeholders, Indian tribes, youth, etc.

Other topics discussed in the group meeting included commitments from the federal government, responsibilities of stewards over time, legally enforceable documents, communication, blame, national policy developments and time frame, commitment of funds, and the completion of site-specific plans by Fiscal Year 2001.

The two draft recommendations developed by the Roles and Responsibilities group during the first session are:

- The SSABs recommend that DOE issue a national policy on stewardship by December 2001 that addresses:
  - Legal basis (law)
  - Ongoing review
  - Allowance for site-specificity
  - Continuing research and development
  - Stewardship termination criteria
- The SSABs recommend that DOE-Headquarters require all DOE sites to issue stewardship plans with the involvement of all stakeholders no later than June 2002. The plans should identify roles and responsibilities for all parties that will be involved in implementation.

### 3. Public Involvement

Attendees: Tom Wagner (Fernald CAB), Don Cloquet (Nevada Test Site CAB), Kevin Rohrer (DOE-Nevada), Woody Russell (DOE-Idaho), Greg Murray (Rocky Flats stakeholder), Avalon Mansfield (Oak Ridge SSAB), Corkie Staley (Oak Ridge SSAB), Bill Petersen (Rocky Flats CAB), William Kossack (Rocky Flats CAB), Karen Lowrie (CRESP), Tami Moore (DOE-Albuquerque), Graham Mitchell (Ohio EPA), Gary Stegner (DOE-Fernald), Andy Guerra (Idaho CAB), Jean Sulc (Savannah River Site CAB), Bill Kinsella (Hanford Advisory Board). Facilitator: Earle Dixon (Nevada Test Site CAB). Recorder: Mariane Anderson (DOE-Rocky Flats).

The meeting began with a discussion of the 1999 "Next Steps" statements and Jim Werner's presentation. The group agreed that public involvement in the DOE decision-making process is important and can be improved. Even the individual citizen advisory boards could improve. Pantex SSAB members described the

methods they use to involve the public, such as pamphlets, booths, and newsletters. The group agreed that public involvement must be considered by agencies during every phase of the decision-making process, from cleanup through post closure. Early and regular public involvement is key.

Members of the group felt it was important to define "public" and distinguish "stakeholder" from other community members, such as Native Americans, former employees, schools, and universities. The group spent a considerable amount of time discussing this issue.

The group drafted the following three recommendations during the breakout session:

- The DOE must ensure early, informed, and regular public and sovereign tribal nations involvement in the decision-making process. This is the primary source of success in meeting our stewardship responsibilities.
- The DOE must ensure effective communication with all people, sovereign tribal nations, and communities, striving for the broadest possible representation.
- The DOE must ensure education to foster informed and effective participation.

#### 4. Timing for Stewardship

Attendees: P.K. Smith (Savannah River Site CAB), Keith Collinsworth (South Carolina DHEC), Joe Downey (Rocky Flats CAB), Jim Daily (DOE-Richland), Dick Fate (Sandia), Bob Long (Sandia CAB), Bobbie McClure (DOE-Nevada), Tom Lukow (DOE-Rocky Flats), Tom Marshall (Rocky Flats CAB), Lorene Sigal (Oak Ridge SSAB), Paula Breeding (Pantex CAB), Marvin Clawson (Fernald CAB), L.F. Bell (ATSDR-Fernald), Stan Hobson (Idaho CAB), Anna Martinez (DOE-Rocky Flats). Facilitator: Mike Schoener (Savannah River Site CAB). Recorder: Kathryn Sharpe (Kaiser-Hill).

The group began the breakout session by discussing primary issues relating to timing, such as the inclusion of stewardship concepts during the cleanup and post closure decision-making process. The group decided that expediency should be emphasized.

The group also discussed the concept of interim stewardship, stewardship end-point scenarios for low-risk sites, incorporating hazardous waste laws, and applying lessons learned from other sites. The group agreed that long term stewardship requirements must be enforceable and described in decision documents. Since timing is not the same for every site, site-specificity would be a necessary factor.

**The group drafted the following recommendations during the first breakout session:**

- **Make stewardship part of the remedy selection process, enforceable in decision documents, and ensure it is revisited periodically to evaluate new technologies, changing land use, changing risk evaluation, and information needs of decision-makers.**
- **Expedite the issuance of policy, orders, guidance and training in order to institutionalize the stewardship commitment.**

## **5. Information Management**

**Attendees: Bob Hegner (ICF Consulting), Carol Lyons (City of Arvada, Colorado), Kim Smart (Kaiser-Hill), Gina Dan (DOE-Rocky Flats), Wade Waters (Savannah River Site CAB), Art Kleinrath (DOE-Grand Junction), David Kipping (Idaho CAB), Frank White (Pantex CAB), James Brannon (Northern New Mexico CAB), Scott Vowell (Oak Ridge SSAB), Frank Overbey (Nevada Test Site CAB), John Bernier (DOE-Pantex), Mary Harlow (Rocky Flats CAB), Shirley Garcia (City of Broomfield, Colorado), Don Siron (South Carolina DHEC), Steve Depoe (Fernald CAB), John Price (Washington Department of Ecology), Eric Woods (Fernald CAB). Facilitator: Doug Sarno (Fernald CAB). Recorder: Dennis Hill (Oak Ridge SSAB).**

**The group began by brainstorming issues relating to information management. The group discussed minimum plan requirements, youth education, consistency between sites, and museums such as the Atomic Museum in Albuquerque.**

**The group also discussed management issues dealing with preservation of historical records and maps. The discussion focused on who and how this information would be managed and how management would be enforced through regulation and funding. The group agreed that education, communication, and historical preservation needed to be emphasized and assured through funding.**

**The group also discussed the significance of site-specific stewardship plans.**

**The information management breakout group prepared the following draft recommendations:**

- **DOE needs to establish historical preservation and education as central components of cleanup and long-term stewardship. DOE should provide funding and assistance to specific projects which achieve this goal.**
- **DOE should identify, with stakeholder participation, the information that will be required by future generations to effectively manage long-term stewardship.**

The five breakout groups submitted their recommendations to the workshop organizers at the end of their sessions, then adjourned for the day. Some workshop participants attended an optional dinner at The Fort Restaurant in Morrison, Colorado, on Thursday evening.

### **DAY 3: Friday, October 27, 2000**

#### **Core Topic Plenary Session**

At 8 a.m., the workshop participants attended the plenary session. Each breakout group (funding, roles and responsibilities, public involvement, timing, and information management) presented a 30-minute summary of their topic and recommendations. The participants asked questions and made some constructive comments on the recommendations. None of the recommendations were considered “show stoppers.” Instead, the breakout groups were given ideas for tidying up and clarifying the draft recommendations.

#### **Site-Specific Sessions**

Since the plenary session finished early, the site-specific sessions began an hour early. At approximately 10:15, representatives from each site discussed the draft recommendations and notes from the plenary session as they applied to the individual sites. The primary purpose of the site-specific sessions was to determine whether the board members back home would reject any of the draft recommendations in whole or in part. None of the recommendations were considered “show stoppers” by the site-specific representatives.

#### **Final Core Topic Breakout Sessions**

After a short lunch break, the final core topic breakout sessions met around noon to revisit their recommendations. Attendees were asked to reconvene with the same group they worked with previously. A summary of the discussions is provided below.

##### **1. Funding**

The Funding breakout group reconvened to discuss the comments presented during the plenary session. Workshop participants told the group that the “trust fund” language was too prescriptive. Participants also questioned the need to justify a trust fund with a statement about eliminating the competition for limited funds. The core topic breakout group discussed the importance of this statement in depth. The remainder of the session was spent on editing.

The final recommendation drafted by the Funding breakout group is provided at the end of this document.

## **2. Roles and Responsibilities**

The group began by discussing the feedback received from the other boards during the plenary session. The workshop participants were pleased with the draft recommendations and offered mainly editorial comments. Three substantive issues were brought up during the plenary session:

- Since the sites have varying closure deadlines and commitments, the termination references should be deleted from the recommendations.
- Change the word “standards” to “requirements.”
- To avoid redundancy, incorporate the recommendations drafted by the Timing breakout group into the Roles and Responsibilities draft recommendation.

The final recommendations drafted by the Roles and Responsibilities breakout group are provided at the end of this document.

## **3. Public Involvement**

The public involvement group discussed the feedback from the plenary session. Although most of the comments were editorial, there was a strong argument for the term “stakeholder” instead of “public and sovereign tribal nations.” The workshop participants commented on the strength of the draft recommendations, suggesting the statements must require more action from DOE and more responsiveness.

The final recommendations drafted by the Public Involvement breakout group are provided at the end of this document.

## **4. Timing for Stewardship**

The Timing group discussed their notes from the previous breakout session, incorporating additional comments from the plenary session. One of the timing recommendations mirrored the recommendation drafted by the Roles and Responsibilities group. The Timing group edited their version and transferred it to the Roles and Responsibilities group. The workshop participants approved the second recommendation with some minor editing changes. The timing group also drafted a preamble to introduce the entire set of recommendations

The final recommendations and preamble drafted by the Timing breakout group are provided at the end of this document.

## 5. Information Management

The Information Management breakout group reconvened to discuss the comments generated during the plenary session. The workshop participants felt that a request for funding was covered under the Funding breakout group recommendation, even though the funding recommendation did not specify "specific projects," which the Information Management group felt was key. Also the term "long term" stewardship was questioned. Most of the comments and questions were editorial.

The final recommendations drafted by the Information Management breakout group is provided at the end of this document.

### Plenary Session

The plenary session reconvened at 1 p.m. to discuss the final recommendations presented by each core topic breakout group (funding, roles and responsibilities, public involvement, timing, and information management). The final preamble and recommendations will be presented to the individual SSAB members by February 2001. If the boards ratify the recommendations by consensus approval the EMSSAB will submit the recommendations to DOE-Headquarters in spring 2001.



## ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARDS RECOMMENDATIONS ON LONG-TERM STEWARDSHIP

Draft for Review Purposes Only

October 31, 2000

### PREAMBLE

The nationwide Environmental Management Site-Specific Advisory Boards (EMSSABs) recognize that the U.S. government faces an enormous challenge. Radioactive and toxic legacy wastes and contamination related to past government practices affect many communities. Some of these materials will pose a threat to human health and the environment for a very long time.

Therefore, the EMSSABs recommend that the Department of Energy (DOE) take the following steps to ensure that Long-Term Stewardship (hereafter referred to as "stewardship") for contaminated sites is a major focus for the Department.

### FUNDING

- Make guaranteed funding for stewardship a national priority, removed from the annual congressional appropriations process, and maintained off budget. Stewardship funds must be protected from the demands of other programs. Stakeholders must be involved in the development of a fair allocation process. To meet these objectives, DOE must develop authorizing legislation for submittal to Congress.

### ROLES AND RESPONSIBILITIES

- Issue a stewardship policy by December 2001 that addresses:
  - Legal basis (law)
  - Ongoing review
  - Allowance for site-specificity
  - Continuing research and development
  - Funding
  - Stakeholder involvement

- Expedite the issuance of policy, orders, guidance, and training to institutionalize and implement the stewardship commitment.
- Require all sites to develop and issue stewardship plans, with the involvement of all stakeholders, no later than June 2002. The plans must identify specific roles and responsibilities for all parties that will be involved in implementation.

#### **TIMING OF STEWARDSHIP**

- Make stewardship part of the remediation selection process and enforceable in decision documents. Due to the long-term nature of stewardship, remediation decisions must be revisited periodically to evaluate new technologies, changing land use, changing risk evaluation, and information needs. In areas where it was not previously considered, stewardship should be added to existing decisions.
- Consider stewardship in ongoing site operations and plans for new facilities.

#### **INFORMATION MANAGEMENT**

- Identify in each site stewardship plan, with stakeholder involvement, the information required by current and future generations to effectively manage stewardship.
- Include the preservation and dissemination of historical and cultural information as required components of cleanup and stewardship.

#### **PUBLIC INVOLVEMENT**

- Provide education and communication activities to encourage and facilitate early, informed and regular involvement of stakeholders and State, Tribal, and Local Governments in all stewardship decision-making processes.
- Respond in an effective, factual, and timely manner to questions and concerns submitted by stakeholders and State, Tribal, and Local Governments.



SUMMARY OF EVALUATIONS  
EMSSAB Stewardship Workshop  
October 25 - 27, 2000  
Denver, Colorado  
(total received = 48)

1. Were you given enough information and opportunities to fully participate in the workshop overall?

47	Yes	(98%)
1	No	(2%)
0	No Response	

- *Yet kept moving.*
- *Yes and no. Also, I'm new, so this could contribute to my decision.*
- *Ken and other facilitators did a great job including everyone. It was great that Ken announced everyone was invited to participate in the conference/workshop, not just SSAB members.*
- *Nice job on the pre-workshop packet.*
- *But please, don't mail BIG notebooks - email, no hardcover.*

2. Did you find the format of the workshop helpful and effective?

46	Yes	(96%)
0	No	(0%)
2	No Response	(4%)

- *Particularly requiring end product.*
- *Initially I questioned the format, but it did prove to be effective in addressing the issues.*
- *As usual, there was so much to do and not enough time.*
- *I thought there was too much time spent on the recommendation formulation. I appreciated the points of view, but the final products could have been achieved in a shorter time.*

3. Are you satisfied with the final core topic statements?

34	Yes	(71%)
3	No	(6%)
11	No Response	(23%)

- *A number of the statements were “wishful thinking” and not based on reality; for example, the statement on funding.*
- *Left meeting mid-day on Friday; didn’t see final statements.*
- *Probably, not done yet.*
- *As a DOE employee, it is probably not pertinent whether I am satisfied.*
- *Probably - TBD.*
- *Some possible changes, but not major.*
- *Could not attend.*
- *Sort of. Given the time constraints and the nature of the process, they’re pretty good. The statement on funding is especially good.*
- *I’m not sure they stayed “on track.”*
- *We could continue to change wording indefinitely and still not satisfy everyone. We wanted concise statements and I’m not sure we did that, but...*

4. Was the DOE opening presentation beneficial?

41	Yes	(85%)
2	No	(4%)
5	No Response	(11%)

- *Very much so!*
- *Too long, lost important concepts due to boredom.*
- *Yes, but late in coming (Werner’s).*
- *Very important.*
- *Yes and no.*
- *Information provided which had not been made available to all CABs previously.*
- *It opened up all kinds of questions and concerns.*
- *Jim Werner gave those assembled a lot of information. He came across very supportive of the work of the SSABs.*
- *Could have been 30 minutes shorter.*
- *Very comprehensive!*
- *I thought Jim’s presentation was good, although I heard some comments from participants that he didn’t seem to care.*

5. Was the opening plenary session discussion effective?

39	Yes	(81%)
2	No	(4%)
7	No Response	(15%)

- *People did ask questions that lead to additional information.*

- *Good ideas presented.*
- *Not in my group.*
- *Leave Jim Werner off the agenda, or limit his comments!*

6. Were the site-specific presentations effective?

38	Yes	(79%)
8	No	(17%)
2	No Response	(4%)

- *Instructions to focus on the topic might improve timing of presentations; also it might help to instruct what not to include (i.e., do not brief site history/current ER operations, etc.)*
- *Too much time, should have spent more time in breakout sessions. Breakouts were late in the day when energy levels were low.*
- *A little more time should have been allotted for presentations.*
- *Very mixed; illustrated profound ignorance by SSAB members in some cases.*
- *Too generic and not enough opportunity to participate. This is the part of the meeting when most people left the meeting.*
- *First meeting for me - very useful.*
- *Some were, some weren't.*
- *Did not seem to affect process.*
- *Maybe should be shorter, five minutes with reference to the supplied written material.*
- *Perhaps should have asked each site to discuss activities at site related to each core topic.*
- *Generally, but quality and content varied. Different approaches from travelogue to status summary.*
- *The changes suggested, however, were not available to these groups for their consideration, so they worked from memory, their incomplete notes or the original statements.*
- *Some were focused more effectively than others on stewardship issues.*
- *Yes and no - quality varied greatly.*
- *Speakers ignored instruction NOT to repeat information in the 24-page summary. But presentations were okay for new attendees.*
- *God, that was horrible! We've got to find a way out of this. Everything was distributed in advance, making these presentations unnecessary.*

7. Were the core-topic breakout sessions effective?

40	Yes	(83%)
1	No	(2%)
7	No Response	(15%)

- **Moderate. Non-SSAB folks had too much effect (info). There were about 10 of them.**
- **Disparity of group makeup led to common values.**
- **Good discussions.**
- **Ours was very "heated" and frustrating at times (public involvement). It was difficult to get consensus.**
- **It was very difficult.**

**8. Was the facilitator able to guide the breakout discussions successfully?**

41	Yes	(85%)
1	No	(2%)
6	No Response	(13%)

- **Very admirably - Wendy was awesome!**
- **So-so.**
- **The facilitator in "timing" was very good. It sounds like some of the others weren't.**
- **Earle Dixon did a great job in the public involvement breakout sessions.**
- **Facilitator for funding group was very effective.**
- **Our group wanted to go here, there and everywhere. Jim did his best to pull people back.**
- **We worked as a team.**
- **Very capable facilitator.**
- **Facilitators worked hard and did a good job.**
- **Questionable. I thought the facilitator would keep things in order and guide us. Some things got "out of hand."**
- **It got out of hand.**
- **Mike was excellent.**
- **Of course! It was me. More seriously, I had one individual (a "know it all") who was helpful but domineering. I think I could have handled her more constructively.**

**9. Were the plenary session discussions on the breakout session statements effective?**

39	Yes	(81%)
3	No	(6%)
6	No Response	(13%)

- **First one, yes, second one - NA.**
- **Yes, but too much group "wordsmithing."**
- **Provided for an exchange of views.**

- *It gets to be so time "using" to do the wordsmithing. If there is substance that is okay, but a comma or period does not need to be done.*
- *This session worked well to further define our issue, funding.*
- *Much better than breakout discussions.*
- *Too much wordsmithing. We as facilitators let them go off on meaningless stuff. It turned out okay, but we can do better.*

10. Was the facilitator able to lead the plenary session discussions effectively?

42	Yes	(88%)
1	No	(2%)
5	No Response	(10%)

- *Some yes, some no.*
- *Well done!*
- *Good job!*

11. Was the group decision-making during the plenary sessions effective?

32	Yes	(67%)
3	No	(6%)
13	No Response	(27%)

- *This was sure a long, drawn-out process. It got out of hand with the same people being heard over and over again! Time wasted!*
- *Rather frustrating until they started asking for show-stoppers.*

12. Was the Executive Tower Hotel satisfactory for lodging, workshop, service, etc.?

28	Yes	(58%)
13	No	(27%)
7	No Response	(15%)

- *Didn't stay there.*
- *The workshop meeting rooms were fine. My hotel room was dirty and the equipment furnished to me was in ill-repair.*
- *Good for the workshop. Lodging - marginal.*
- *Some CAB members had very small rooms - two that I know of.*
- *Within the limits of the physical features. Could have done better with an operable floor lamp and taller table lamps. A coffee maker in the room would help.*
- *There were a few problems, but on the whole it was okay.*
- *Fair.*

- **Good box lunches – good meeting room.**
- **Restaurant food and service marginal but economical. \$12 box lunch for a \$4 lunch. Public rooms well laid out and adequate. Lodging rooms well furnished generally. TV set a disaster. Bathroom fixtures only partially functional. Bed was unacceptable – broken springs, reinforcing sheet of plywood. Salvation Army mattress – cotton throw blanket. Heating/cooling lacked effective temperature control.**
- **An old hotel is an old hotel. People are going to complain no matter where you put them.**
- **Television did not work Friday a.m. No outlet for laptop. When I used phone outlet for my laptop, then tried to plug in the phone again, it did not work.**
- **I've never seen such a peculiar arrangement of elevators.**
- **I did not stay here. I was at another hotel.**
- **Satisfactory.**
- **For the workshop, yes – for lodging, no.**
- **Great location. Rooms needed coffee pots.**
- **The rooms were bad but the meeting areas were nice.**
- **Initially would not give me the type of room I reserved, guaranteed late arrival. Room given was substandard. Took some hassle, but finally given decent room. Good location, though.**
- **It is old and needs remodeling, but was acceptable.**

**13. Did you enjoy the Opening Reception, presented by Kaiser-Hill?**

34	Yes	(71%)
0	No	(0%)
14	No Response	(29%)

- **Didn't go.**
- **Missed it.**
- **Could have been longer!**
- **Please express our thanks. It was very nice, a great time to get together and network.**
- **I did not arrive until Wednesday evening.**
- **Very nice, thank you.**

**14. Did you enjoy the banquet at The Fort Restaurant?**

14	Yes	(29%)
0	No	(0%)
34	No Response	(71%)

- **Did not attend.**

- *Did not attend. Too expensive in consideration of government per diem.*
- *Did not attend - went to Wolfgang Puck's.*
- *Very good outing.*
- *Overpriced for quality of meal. \$12 for one glass of wine - normally \$6. Good and interesting setting.*
- *It was great.*
- *Quail was dry and tough.*
- *I would have gone, had I not had relatives in Denver.*
- *Did not participate, but I did enjoy dinner with my group. Lots of good discussion.*

Please include any additional comments or suggestions for future workshops:

- *A list of helpful hints, to save money, example: shuttle bus/taxi - a discount might be given to people in groups of four or more.*
- *Planned excursions for people out of state, where we wouldn't have to look for something to do, or a list of suggested places to visit and things to do.*
- *Have youth included on some boards or begin to initiate something in schools and let whatever they do be presented at the next workshop.*
- *Great conference! Good info!*
- *Meeting dates in future should be scheduled during middle of week to allow participants to attend all sessions but still arrive home on Friday.*
- *Problem area: The CABs were expected to prepare materials and make presentations, way too little time available. Should have informed much earlier than August. Deadlines were very short and then were not really required. Not enough time for CAB consensus. Expectations for oral presentations were detailed only two weeks before the meeting after presentation deadline and after presentation was frozen.*
- *The facilitation team was excellent. The hotel staff responded to requests in a timely manner.*
- *Would have liked to see us work through lunch and disband at 1 p.m. Too much down time on Friday.*
- *If there's another workshop - on any topic - strive to have the DOE site person(s) responsible for the workshop area topic attend with the CAB members.*
- *Very well organized, focused. Excellent use of the resources available. Big kudos. Might want to consider more announced informal get togethers, such as "at \_\_\_\_ p.m. a bunch of us will be at the bar, feel free to joint us, or "we are going to walk to the \_\_\_\_ tonight, join us at 6 p.m." to help facilitate "mixing."*
- *Have a ten minute (lecture) on each assignment and ask for consensus before closing the assignment. Have a brief orientation of new members and have each CAB member attending describe their interest and personal concerns (if any) in five minutes during the orientation period.*

- ***You people were really nice. Everyone was helpful and willing to try to meet needs. I'm glad to see how our telephone calls came together in this conference. Thanks!***
- ***Rocky Flats staff did a great job helping our requests for special help, getting documents faxed, copied, taking messages, etc. Well done. Do they want to come down to New Mexico and help us next fall with the chairs' conference in Santa Fe?***
- ***This workshop was very well done. Quality all the way. The CAB should feel good about the role and process of participation the CAB uses in working with the DOE. The EMSSAB resource materials document was excellent.***
- ***Very well organized and attended. Facilitators very capable and fair. Refreshments plentiful and adequate. Very well done. Thanks.***
- ***Great snacks!***
- ***It was a good workshop with a product of considerably higher quality than I thought possible. My only complaints are in the site-specific presentations and in the nit-picky wordsmithing some participants were inclined to do. Also, as I mentioned earlier, we need to make changes in the PowerPoint while the presentations are discussed to ensure we have an accurate set of recommendation.***

**Office of  
Environmental  
Management**



*Environmental  
Management  
Site-Specific  
Advisory Board  
(SSAB)  
Guidance*

*December 2000*

000030

## ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD (SSAB) GUIDANCE

Office of Intergovernmental and Public Accountability  
December 2000

The purpose of this document is to provide guidance to individuals and organizations on the operations of the Environmental Management 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), as amended (5 U.S.C. App.); the General Services Administration (GSA) implementing regulations (41 CFR Subpart 101 – 6.10, “Federal Advisory Committee Management”); and the *DOE Advisory Management Program Manual* (DOE M 510.1-1, dated September 30, 1996), hereinafter referred to as the Manual. This document represents a major revision to the previous guidance. Substantive changes include:

- A more streamlined approach, so that the guidance is focused more on “need-to-know” information (i.e., the roles and responsibilities of DOE and the local Boards) rather than on administrative details which are found in other supporting documents.
- Renewed emphasis on SSAB membership composition, including the Department’s policy on ethnic and gender diversity on Departmental advisory boards.
- Revision and/or clarification of the conflict of interest, compensation and reimbursement policies for Board members.
- The inclusion of guidance for local Board termination. (The Monticello SSAB was the first local Board to terminate in October 1999.)

### ***I. Background and Introduction***

In 1993, in response to the public’s increasing demand to participate in DOE decisions, DOE’s Office of Environmental Management (EM) joined 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 a working 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 both regulated and regulating agencies with respect to key cleanup decisions. The FFERDC issued its final report in April 1996.

In June 1994, the Office of Management and Budget (OMB) and the General Services Administration (GSA) approved the charter that established the EM Site-Specific Advisory Board. That charter was renewed in May 1996, in May 1998 and in May 2000. While only *one* FACA-chartered EM SSAB exists, local site-specific boards (up to twelve at one time) have been organized under the EM SSAB's umbrella Federal Advisory Committee Act (FACA) charter.

In accordance with the Board's FACA 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 Board provides input and recommendations on strategic decisions that impact future use, long-term stewardship, risk management, transportation, and budget prioritization activities. Finally, the SSAB may be asked to provide advice and recommendations on any other projects or issues that affect environmental management. Local EM SSABs, which are 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. These local boards have developed in different ways, and in some cases were formed prior to the establishment of the EM SSAB itself.

Some local boards are associated with DOE Operations, Field or Area Offices for which EM is the Lead Program Secretarial Officer (LPSO); other boards are connected with Field sites for which the Office of Science (SC), or the Office of Defense Programs (DP) under the National Nuclear Security Administration (NNSA), is the LPSO. However, in accordance with the EM SSAB charter, whether the LPSO is EM, SC or DP makes no difference with respect to the mission and operation of any given local EM SSAB.

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. Every indication is that this goal is being met successfully and substantially. Since 1994, local EM SSABs have met on the order of 120 times annually — or nearly once a month for each local board — and have provided the Department with literally hundreds of specific recommendations relating to EM's cleanup efforts. Many of these recommendations have proven highly effective in redirecting EM activities in ways that have saved taxpayers hundred of millions of dollars.

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. It is the policy of DOE and EM to conduct its programs in an open and responsive manner, thereby, 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 at the Office of Environmental Management Web site, located at [www.em.doe.gov](http://www.em.doe.gov).

## II. Roles and Responsibilities

### II.a. DOE Headquarters

DOE Headquarters has the following specific FACA-related responsibilities:

- Office of the Executive Secretariat: Advisory Committee Management Officer (MA-7):
  - Renew or terminate the EM SSAB charter as appropriate. 5 U.S.C.A. App. II § 9(b)(2);
  - Process Federal Register notices for local EM SSAB public meetings. DOE M 510.1-1 at V-3 and Section III.a.2. of this guidance.
- Assistant Secretary for Environmental Management (EM-1): Officially appoint Board members. In limited cases, this authority has been delegated to the Field (see Section III.c.3. of this Guidance). *Advisory Committee Management Program Manual*, DOE M 510.1-1 at IV.2.a.;
- Office of the Executive Secretariat: Advisory Committee Management Officer (MA-7); Office of General Counsel (GC-80); and Director, Office of Intergovernmental and Public Accountability (EM-11):
  - ! Ensure compliance with FACA requirements, including provisions regarding membership, specified in section III.c. of this guidance. 41 CFR § 101 – 6.1009(j); and
  - Forward copies of Board reports to the Library of Congress. 5 U.S.C.A. App. II § 13.
- Director, Office of Intergovernmental and Public Accountability (EM-11):
  - Process and obtain approval of SSAB new/renewal membership packages (for more details, see Section III.c.3 of this Guidance). *Id.* IV – 4;
  - 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); and
  - Prepare Federal Register notices for local EM SSAB public meetings. DOE M 510.1-1 at V-3 and Section III.a.2. of this guidance.

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

- EM Program Offices (as appropriate): Respond promptly and in writing to EM SSAB recommendations, as appropriate;

- Director, Office of Intergovernmental and Public Accountability (EM-11):
- Inform the SSAB members of Departmental processes, programs, projects, and activities directly affecting the Board's mission and purpose;

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 Offices***

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. Field Offices provide legal support to the Boards in their geographical areas, but the Office of the Assistant General Counsel for General Law will provide legal support for Charter renewal, Charter termination, officially appointing Board members, and policy issues. Second, it must provide support and assistance to the Board. In addition to ensuring compliance with FACA regulations, the DOE Operations, Field and Area Offices 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 aimed at achieving 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);
- Designating, to the Director of the Office of Intergovernmental and Public Accountability (EM-11), a 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;
- Encouraging the Board to listen carefully to all points of view and to work toward consensus;
- Encouraging Board members to inform and educate members of their communities on key issues and decisions regarding cleanup and waste management at DOE sites.

- Working closely and cooperatively with local SSABs to develop the Board's annual work plan and, as applicable, the annual operating budget for the Board;
- Providing adequate resources to ensure administrative issues are addressed, such as advertising upcoming meetings, and networking with the community;
- Reviewing and funding members' travel reimbursement requests, as appropriate;
- Ensuring 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; 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;
- Providing timely information for *Federal Register* notices to DOE Headquarters, and broad local notification about EM SSAB meetings and activities, e.g., in the local media, public reading rooms, public libraries, etc.;
- Reviewing local annual work plans (and budgets, as applicable), and incorporating them, as appropriate, into the EM budget development process; and
- Coordinating 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). Local DOE employees are appointed by the DFO to serve as on-site Deputy Designated Federal Officers (DDFOs) (a site may have more than two DDFOs appointed at one time). 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 is responsible for ensuring that:

- Senior DOE managers responsible for environmental cleanup and, as appropriate, their Environmental Management contractor staff attend and participate in the Board meetings; and,
- The local SSAB has the opportunity to offer advice and recommendations that may affect the EM decision-making process. In support of this, 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*

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). Subcommittees that report to, or advise, a full FACA-chartered committee, i.e., in this case, a local EM SSAB, are not required to comply with the provisions of FACA.

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

Board meetings are open to the public. Id. § 10(a). While the subject matter may indicate the need for closing a meeting (e.g., for privacy considerations), FACA § 10(d) requires “the head of the agency” (i.e., in this case, the Secretary of Energy) to approve closed sessions of full committees. 41 CFR § 101 – 6.1023. 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 meetings of the local EM SSAB, members of the public are encouraged both to speak before the advisory committee and to submit written statements for the record. Each individual wishing to make public comment will be provided a reasonable amount of time to present their comments at the end of the meeting, consistent with the by-laws and/or operating procedures of the local Board. Written statements for the Board should be submitted to the DDFO.

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. Media personnel are requested to position and remove their equipment in a manner that minimizes disruption to meeting

participants. In turn, operation of 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**

A notice of a meeting must appear in the *Federal Register* at least 15 calendar days prior to a meeting of the local EM SSAB. Therefore, local DOE Operations, Field or Area Offices must ensure that *Federal Register* notices are sent electronically to EM-11 at least 30 calendar days in advance and must include (*see generally*: 41 CFR § 101 – 6.1015):

- 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.

In addition, local DOE Operations, Field or Area Offices should provide timely and broad local notification about SSAB meetings and activities, e.g., in the local media, public reading rooms, public libraries, etc.

### ***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., assure the accuracy and acceptability to the Board of) the meeting minutes on a timely basis. 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, 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. 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.

In addition, 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-7, Room 7E-028, Washington, D.C. 20585. From these materials, the Deputy ACMO will forward eight copies of annual reports to the Library of Congress.

Finally, one copy SSAB recommendations, and the DOE responses to those recommendations, should be sent to the Director, Office of Intergovernmental and Public Accountability (EM-11) at DOE Headquarters; and one copy of local Board minutes, transcripts (where applicable), and annual reports, self-evaluations, and work plans should be sent to the EM SSAB Administrator at DOE Headquarters (EM-11) for file.

### ***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 replying to site-specific recommendations (with a copy to the Director of the EM Office of Intergovernmental and Public Accountability, per Section III.a.3. above), 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*

FACA requires that the Board be “fairly balanced in terms of points of view represented and functions to be performed.” (5 U.S.C. App. II § 5 (b)(2); 41 CFR § 101-6.1002 (c)). Accordingly, to the extent possible, the membership of local EM SSABs should be comprised primarily of those who are interested in, and affected by, site cleanup activities, accurately reflect the views of all segments of their communities, and have pertinent expertise. Additionally, it is DOE policy that Board membership have ethnic and gender diversity. In this regard Boards must make vigorous outreach efforts and be able to demonstrate that they have attempted to recruit members from all segments of their communities. Statistics from the U.S. Census Bureau may serve as guidance for comparing Board membership with gender and ethnic diversity in the corresponding community but statistics may not be used to justify failure to make adequate outreach efforts.

In order to comply with both FACA and Departmental balance and diversity requirements, the DOE Offices of Environmental Management, Management and Administration, and the General Counsel closely scrutinize Board membership. Pursuant to FACA, appointments to the Board should be “fairly balanced.” In addition, member appointments must reflect the Department’s policy of promoting ethnic and gender diversity in its decision-making. This was affirmed in a November 6, 1998, memorandum from Secretary Richardson on advisory committee membership. In this memo, 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.

To satisfy these requirements for balance and diversity, Board members are typically drawn from stakeholder groups and individuals, such as:

- Local governments
- Tribal governments
- Environmental organizations
- Labor organizations
- Universities and colleges (including Historically Black Colleges and Universities)
- Tribal, Hispanic, and other Minority organizations
- Women’s groups
- Business groups
- Civic/religious groups

Officials from DOE, Environmental Protection Agency, and State governments may serve as *ex officio* members on the local Boards. On some Boards, members from Tribal Nations and local governments have chosen to serve as *ex officio* members. In addition, Federal, State, Tribal and local government officials are encouraged to recommend prospective members for local SSABs to DOE Operations, Field and Area Offices.

In selecting membership nominees, attention must be given to the conflict of interest considerations discussed in Section IV. below. Pursuant to DOE policy, employees of DOE contractors and other Federal agency employees may be appointed only when necessary to when necessary to achieve balance or diversity on a local Board, or to contribute adequate technical knowledge of site operations. Such individuals must receive a written waiver from the DOE Advisory Committee Management Officer, per section IV. below.

### ***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 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 two-thirds of the membership is retained for continuity.

DOE Operations, Field or Area Offices should provide an information package, 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 Office of General Counsel and the DOE Federal ACMO (MA-7) 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 business 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).
- 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 or Federal employees requiring letters of exception to serve on the Board;
- Outreach efforts conducted to attract new members (attach copies of letters sent, press releases, radio announcements, newspaper articles, etc.); and

- A brief account of the local SSAB's history.

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 the delegated authority to the Field to appoint SSAB members. 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 the Executive Secretariat (Advisory Committee Management) (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.

Finally, the EM Office of Intergovernmental and Public Accountability must be advised of all such appointments.

### ***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 and/or unexcused non-attendance at regularly-scheduled

Board meetings (for example, missing either three consecutive EM SSAB meetings, or having three unexcused 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 Operations, Field and Area Office 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*

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, should be avoided. Nevertheless, appointment of an individual with such a potential for a conflict of interest is permissible when necessary to achieve balance or diversity on a local Board, or to contribute adequate technical knowledge of site operations. A letter of exception allowing this individual to join the Board must be signed by the Advisory Committee Management Officer. (See Appendix B 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 Field Counsel with any relevant materials.

Members shall not participate in Board business or discussions involving a particular matter that will have a direct and predictable effect upon companies or organizations with which they are associated or in which they have a financial interest, other than an impact as part of a class of

entities. All members should advise the local Board chair and the DDFO of a potential conflict in advance of any discussion of such a topic and, at the time of the discussion, make their recusal a matter of the record.

All Board members must also adhere to the following general conflict of interest requirements:

- (1) A member shall refrain from any use of his or her membership which is, or gives the appearance of being, motivated by the desire for private gain;
- (2) A member shall not use either directly or indirectly for private gain any inside information obtained as a result of advisory committee service.
- (3) A member shall not use his or her position 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 or she has family, business, or financial ties; and
- (4) A member should seek immediate guidance if he or she is offered anything of value such as a gift, gratuity, loan, or favor in connection with advisory committee service.

In addition, for the potential conflict of interest situation where a Board member is a plaintiff in a legal action against the Department, the individual's continued membership on the Board will be considered by the DFO on a case by case basis, in consultation with both the Office of General Counsel at DOE Headquarters and the Office of Chief Counsel at the DOE Operations, Field or Site Office. Finally, all members are subject to the criminal restrictions of 18 U.S.C. § 219, which makes it a criminal offense for a "public official" to (1) be or act as an agent of a foreign principal required to register under the Foreign Agents registration Act of 1938, or (2) be a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity. The term "public official" as used in this statute has been interpreted to include all members of Federal advisory committees.

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

In 1997, the funding of local EM 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 which enables them to operate efficiently and effectively.

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

technical assistance funding, to the Director of the Office of Intergovernmental and Public Accountability (EM-11) annually.

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. DOE Operations, Field and Area Offices should ensure that technical assistance funding is used to complement, rather than duplicate, the technical programs of both DOE and its regulating agencies.

**VI. Compensation and Travel Expenses**

**VI.a. Board Service is Not Compensable**

Federal guidelines provide that only Federal employees may be compensated for government service. Individuals who serve on advisory committees are appointed either because of their *expertise* in an area needed by the committee or in a *representational* capacity. Members serving in an expert capacity are expected to provide independent, unbiased advice founded on such objective expertise. In turn, those individuals are subject to restrictive conflict-of interest statutes and regulations. Some of these restrictions carry criminal penalties. Only those individuals who are appointed to an advisory committee in an expert capacity may be compensated. EM SSAB members serve in a representational capacity, representing local interests, and are not selected as unbiased experts.

**VI.b. Travel Reimbursements**

The Federal Advisory Committee Act and its implementing regulations provide that, “[a]dvisory committee members and staff members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence,” to the same extent as that allowed for Federal employees by 5 U.S.C. § 5703, 41 CFR § 101-6.1033(e). Moreover, the payment of additional travel expenses which are necessary to provide reasonable accommodation for a Board member with a disability or special physical need may be authorized, provided that the member’s disability or special physical need is clearly visible and discernible or substantiated in writing by a competent medical authority, in accordance with Federal Travel Regulations (FTR) § 301-13.2.

EM SSAB members may also be reimbursed for their local transportation expenses incurred during *local* travel, i.e., within a 50-mile radius of the advisory committee member's place of residence. This reimbursement is limited to privately-owned vehicle (POV) mileage and any associated parking expenses, taxicab fare, public transportation or mass transit expenses. Per diem expenses will not be paid in instances involving official travel, local or otherwise, in which the official travel is 12 hours or less. In addition, EM SSAB members are expected to use public transportation, mass transit, or DOE shuttle bus service when such methods of transportation are available. Therefore, before payment is approved, the circumstances which required the use of a POV or a taxicab must be stated on the travel voucher. Furthermore, receipts are required for all cash expenditures over seventy-five dollars (\$75.00), and for certain types of expenses such as commercial lodging, rental cars, passenger transportation services and excess baggage, regardless of amount.

Additional information on travel-related matters can be found in DOE Order 1500.2A, "Travel Policy and Procedures," or the Department's current official travel guidance, and in Chapter VI of the *DOE Advisory Management Program Manual*. Members with questions on travel requirements or reimbursements should consult with their local DOE Operations, Field or Area Office prior to commencing travel or completing the reimbursement voucher. In addition, EM 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.

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

DOE Operations, Field, and Area Offices should assist DOE Headquarters in conducting periodic evaluations or reviews of local SSABs for the purpose of assessing overall Board effectiveness. These evaluations or assessments 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 has been fulfilled, or reasonably cannot be fulfilled for a variety of reasons (e.g., lack of community interest), 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 disestablishing 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.

## ***Applicable Law, Regulations and Policy***

### **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* (2000).

### **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).

**3421**

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







Appendix B

Sample Letter of Exception

Memorandum for James N. Solit, Advisory Committee Management Officer

From: Martha Crosland, Director,  
Office of Intergovernmental and Public Accountability

Subject: Request for Exception for Department of Energy Contractor Employee(s) to Serve  
on the Environmental Management Site-Specific Advisory Board, [Site]

Many knowledgeable individuals in the areas of environmental restoration and waste management at Department of Energy sites are DOE contractors. In order to contribute adequate technical knowledge of site operations, the following Department of Energy contractor employee(s) must also be included on the Environmental Management Site-Specific Advisory Board, [Site]. In this case, the recommended individual(s) has (have) been carefully considered and is (are) deemed to be essential to the effective functioning of the Board.

I am hereby requesting an exception for:

*Name/s*

Special care will be taken to ensure that appointment of the above Department of Energy contractor employee(s) will not result in a conflict of interest. Any such individuals will be informed of the general conflict of interest provisions and asked to recuse themselves from participating in any meeting, study, advice, recommendations, or other activity that could have a direct and predictable effect on their employing organizations or other entities with which they are associated or in which they have a financial interest. In the event of any conflict or potential conflict of interest, a statement will be included in the Committee report or study detailing such potential conflict of interest and the action taken to remove it.

The Deputy Designated Federal Officer of the Environmental Management Site-Specific Advisory Board, [Site] or his (her) designee, in consultation with the Office of Chief Counsel at [Site], shall have primary responsibility for ensuring compliance with the conflict of interest provisions.

Approved:

\_\_\_\_\_  
James N. Solit  
Advisory Committee Management Officer

\_\_\_\_\_  
Date

# CITIZENS ADVISORY BOARD

A U.S. Department of Energy Site-Specific Advisory Board

**Chairperson**

Karen Patterson  
1103 Conger Drive  
Aiken, S.C. 29803

**Vice Chairperson**

Brendolyn Jenkins  
P. O. Box 228  
Elko, SC 29826

**Members**

William Adams  
Sallie Connah  
Thomas Costikyan  
Rebecca Dawson  
Melvyn Galin  
Ken Goad  
Perry Holcomb  
William Lawrence  
Georgia Leverett  
Jimmy Mackey  
Kathryn May  
Lane Parker  
Maria Reichmanis  
Lola Richardson  
Murray Riley  
Perjetta K. Smith  
Jean Mestres Sulc  
Charleen Townsend  
William Vogeles  
Wade Waters  
Beaurine Wilkins  
Carolyne Williams  
William Willoughby

**Ex-Officio Members**

**DOE**  
Tom Heenan  
Roy Schepens  
**EPA**  
Julie Corkran  
John Stockwell  
**SCDHEC**  
Keith Collinsworth  
Myra Reece

## Special Announcement

### Formation of Long Term Stewardship Subcommittee

The Strategic & Long Term Issues Committee announces the formation of the Long Term Stewardship Subcommittee, which will monitor SRS stewardship initiatives and provide recommendations to the SRS Citizens Advisory Board regarding stewardship. This subcommittee will be led by P.K. Smith. The subcommittee is planning to hold an organizational meeting on January 9 to determine its charter and scope of work.

Participation on the Long Term Stewardship Subcommittee is open to all interested parties. If you are interested in participating, contact Jim Moore at 725-5663 or 1-800-249-8155.