

U.S. Department of Energy

Environmental Management Site-Specific Advisory Board (EMSSAB) Guidance

Prepared by

Internal/External Coordination Group (EM-30.1)

December 8, 2003

Table of Contents

Foreword

I.	Background and Introduction	1
II.	Roles and Responsibilities	3
II.a.	DOE Headquarters	
	Office of the Secretary of Energy	
	Office of the Executive Secretariat	
	Assistant Secretary for Environmental Management (EM-1)	
	Internal/External Coordination Group (EM-30.1)	
	Office of the Assistant General Counsel for General Law (GC-77)	
	EM Program Offices	
II.b.	DOE Operations, Field, Site, and Area Offices	
II.c.	Designated Federal Officer (DFO)/Deputy Designated Federal Officer (DDFO)	
II.d.	SSAB Members	
III.	Operating a Local Site-Specific Advisory Board	8
III.a.	Public Participation and Record-Keeping	
	III.a.1. Public Participation	
	III.a.2. Public Notification	
	III.a.3. Minutes and Records	
	III.a.4. EMSSAB Annual Report to Headquarters	
III.b.	Board Recommendations and DOE Responses	
III.c.	Membership	
	III.c.1 SSAB Membership Composition	
	III.c.2. Member Appointment	
	III.c.3. Delegated Authority to the Field for EMSSAB Member Appointment	
	III.c.4. Removal and Resignation of EMSSAB Members	
III.d.	Outreach	
IV.	Conflict of Interest	16

V. Funding and Other Support 18

VI. Compensation and Travel Expenses 18

 VI.a. Board Service Not Compensable

 VI.b. Travel Reimbursements

VII. Evaluation and Team Building 20

VIII. Board Termination 20

IX. Acronyms & Definitions 22

X. Applicable Laws, Regulation, Orders and Policies 24

Appendices 26

Appendix 1 – Memorandum from Operations Office Manager to Assistant Secretary for EM

Appendix 2 – Member Biographies

Appendix 3 – Member List

Appendix 4 – Exception Letter

Appendix 5 – Outreach/Recruitment Efforts

Appendix 6 – Membership Criteria Matrix

Appendix 7 – Example of Membership Matrix

ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD (EMSSAB) GUIDANCE

Internal/External Coordination Group (EM-30.1)

December 2003

The purpose of this document is to provide guidance to individuals and organizations regarding the operations of the Environmental Management (EM) Site-Specific Advisory Board (SSAB or Board). This updated guidance supersedes the Site-Specific Advisory Board Guidance issued in December 2000. It supplements the requirements of the 1972 Federal Advisory Committee Act, as amended (**FACA 5 U.S.C. Appendix 2, hereafter called FACA**); the General Services Administration (GSA) implementing regulations (**41 CFR Subpart 102-3, "Federal Advisory Committee Management," hereafter called CFR**); and the Department of Energy (DOE) Advisory Management Program Manual (**DOE M 510.1-1, dated September 30, 1996, hereafter referred to as the Manual**), but does not replace said documents. Further details can be obtained from these documents.

I. Background and Introduction

In 1993, in response to the increasing need for public participation in DOE decisions, DOE participated in a national policy dialogue on Federal facility environmental restoration decision-making and priority-setting issues. As proposed by the U.S. Environmental Protection Agency (EPA), dialogue sessions were convened by the Keystone Center.

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 EMSSAB. That charter is the FACA-guided charter under which local site-specific boards are organized. It was renewed in May 1996, 1998, 2000, and 2002.

In accordance with the Board's charter, the EMSSAB exists to provide the EM Assistant Secretary, the appropriate Site Manager(s), and any other DOE officials the Assistant Secretary shall designate, with information, advice and recommendations concerning issues affecting the EM Program at various sites. Specifically, the Board will provide advice and recommendations to DOE concerning the following EM site-specific issues: cleanup standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use; long-term stewardship; risk assessment and management; and science and technology activities. The Board may also be asked to provide advice and recommendations on any other EM projects or issues.

Local EM SSAB boards, also known as Citizen or Community Advisory Boards (CABs), draw upon diverse community viewpoints to provide advice and recommendations to DOE. These local Boards have developed in different ways, some having been formed prior to the establishment of the EM SSAB itself.

Note: As defined by FACA, the terms "advisory committee," "advisory board," and "board" are interchangeable. **FACA § 3 (1).**

Some local boards are associated with DOE Operations, Field or Area Offices for which EM is the Lead Program Secretarial Officer (LPSO), while other boards are supported by Field site offices that are managed either by the Office of Science (SC), the National Nuclear Security Administration (NNSA), or the Office of Nuclear Energy (NE). However, in accordance with the EMSSAB Charter, the mission and operation of any given local Board is unaltered whether the LPSO is EM, SC, NNSA, or NE.

The goal of the EMSSAB is to more directly involve stakeholders in DOE planning and decision-making processes for the nuclear weapons complex cleanup. Every indication is that this goal is being met successfully and substantially. Since 1994, local EMSSABs have met nearly 100 times annually — or nearly once a month for each local board — and have provided DOE 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 increased protection of human health and the environment, accelerated cleanup and reduced risk, and saved taxpayers hundred of millions of dollars.

DOE has various means of involving the public in its planning and decision-making processes; the EMSSAB is only one component of EM's public participation 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 public participation in its planning and decision-making processes. Details on DOE's public participation policy are available at the EM Web site, located at www.em.doe.gov.

II. Roles and Responsibilities

II.a. DOE Headquarters

Office of the Secretary of Energy:

FACA and Title 41 Code of Federal Regulations (CFR) require the DOE Secretary to:

- Comply with FACA and the CFR. **FACA § 8(b); CFR § 102-3.105(a).**
- Issue administrative guidelines and management controls. **FACA § 8(b); CFR § 102-3.105(b).**
- Designate a Committee Management Officer (CMO), also called an Advisory Committee Management Officer (ACMO) in FACA. **FACA § 8(b); CFR § 102-3.105(c).**
- Ensure advisory board meetings are open to the public. **CFR § 102-3.105(d).**
- Review, at least annually, the need to continue the advisory committee. **FACA § 8(b); CFR § 102-3.105(e).**
- Determine if compensation for members, staff, experts, and consultants is justified. **CFR § 102-3.105(f).**
- Develop procedures to assure that advice and recommendations of the advisory committee is the result of independent judgment. **FACA § 8(b); CFR § 102-3.105(g).**
- Assure that the interests and affiliations of advisory board members conform with applicable conflict of interest statutes. **CFR § 102-3.105(h).**
- Designate a Designated Federal Official (DFO) for each advisory committee. **CFR § 102-3.105(i).**
- Provide opportunity for reasonable public participation in advisory committee activities. **CFR § 102-3.105(j).**

Office of the Executive Secretariat:

Committee Management Officer (CMO)(ME-70):

FACA and Title 41 Code of Federal Regulations (CFR) require the Executive Secretariat to:

- Ensure compliance with FACA. **FACA § 8(b)(1); CFR § 102-3.115.**
- Ensure that the interests and affiliations of advisory committee members are reviewed for conformance with applicable conflict of interest statutes. **FACA § 5(b)(3), 5(c), 8(b)(1); CFR § 102-3.115.**
- Renew or terminate the EMSSAB Charter as appropriate. Annually, review the need to continue the SSAB {**FACA § 5(b)(3), 5(c), 8(b); CFR §§ 102-3.105(e), 102-3.115**} and if appropriate, renew the Charter within two years as the SSAB will automatically terminate otherwise. **FACA § 8(b), 14(a); CFR § 102-3.55(a), 102-3.115.**
- Process Federal Register notices for local EMSSAB public meetings. **FACA §§ 8(b)(1), 10(a)(2); CFR §§ 102-3.115, 102-3.150(a).** (See Section III.a.2 of this Guidance for further parameters.)

The Manual requires:

- Manage and maintain a library of EMSSAB documentation, including EMSSAB annual reports, work plans, recommendations and responses, meeting minutes, and membership information. **Manual § VII.2.**

Assistant Secretary for Environmental Management (EM-1):

FACA and Title 41 Code of Federal Regulations (CFR) require EM-1 to:

- Ensure compliance with **FACA § 8(b) and CFR § 102-3.115.**
- Officially appoint Board members. **FACA § 8(b); CFR § 102-3.105(i).** (In limited cases, this authority has been delegated to the Field (see Section III.c.3 of this Guidance).

Office of Business Operations (EM-30)

Internal/External Coordination Group (EM-30.1):

(Designated Federal Officer) (DFO):

FACA and Title 41 Code of Federal Regulations (CFR) require EM-30.1 to:

- Manage and maintain a library of EMSSAB documentation, including SSAB annual reports, work plans, recommendations and responses, meeting minutes, and membership information. **FACA §§ 10(b), 12(a).**
- Each Federal advisory board is required to have a DFO, in this case a DOE employee, who works closely with the Board. **FACA § 10 (f); CFR § 102-3.120.** The designation of the DFO by the Secretary is found in the Secretary's biennial renewals of the EMSSAB charter. Currently, the Associate Deputy Assistant Secretary, Office of Business Operations, serves as the DFO.

The Manual requires:

- Prepare *Federal Register* notices for local EM SSAB public meetings. **Manual § V.3.c**
- Ensure that conflict of interest regulations are followed. **Manual § IV.6.a.1.e, V.7.e**
- Prepare, process, and obtain approval of SSAB new/renewal membership packages. **Manual § IV.5.**
- Prepare, process, and obtain approval of SSAB Charter renewal. **Manual §III.3.** See FACA § 14. CFR § 102-3.55.
- Maintain records and documentation. **Manual § VII.2(b)(3)**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Delegate to local DOE employees the responsibility to serve as Deputy Designated Federal Officials (DDFOs) for local Boards. (A site may have more than one DDFO appointed at one time).

- 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.

Office of the Assistant General Counsel for General Law (GC-77)

- Provide legal support for SSAB Charter renewal, Charter termination, official appointments of Board members, and policy issues.

EM Program Offices (as appropriate):

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Respond in a timely fashion to EM SSAB recommendations, as appropriate.

II.b. DOE Operations, Field, Site, and Area Offices

Although DOE Headquarters, through the Assistant Secretary for EM and the CMO, is responsible for the EMSSAB, DOE Operations, Field and Area Offices (the Field) are accountable to DOE-HQ for local Board activities and act for DOE at the local level.

FACA and Title 41 Code of Federal Regulations (CFR) require:

- Ensure required records on Board costs and membership are maintained, as each agency needs to keep records that will fully disclose the disposition of any funds at the disposal of the Board. **FACA § 6(c), 12(a); CFR § 102-3.175(b); Manual § VII 2.b.3, VII 3.**
- Make records available to interested members of the public. **CFR § 102-3.170; Manual § VII.4.**
- Designate, to the DFO, a senior DOE official (or officials) to serve as the Deputy Designated Federal Officer for the local Board. **FACA § 10(e); CFR § 102-3.120.** The EMSSAB Charter implicitly requires local boards (see Charter § 2, 8, 11).
- Provide advice, assistance, and guidance to the local SSAB regarding its annual scope of work and work plan to improve the Board's performance. {**FACA § 8(b)(1)** mandates that DOE provide administrative guidelines and management controls applicable to advisory committees to improve their performance.} The EMSSAB Charter implicitly requires local support to local boards.
- Ensure that DOE diversity goals are met through adequate outreach efforts for membership. Board membership should reflect a diverse cross-section of those directly affected by and interested in the community from which the Board draws its members. **FACA § 5(b)(2); Manual § IV3.a; EMSSAB Charter § 11.a.** The EMSSAB Charter implicitly requires Field/Site office compliance with Department policies. Outreach efforts, therefore, should be aimed at achieving such diversity.
- Provide adequate resources to enable the Board to carry out its functions as written in the **FACA § 5 (b)(5), 5(c), 12 (b); CFR § 102-3.95(a); Charter §§ 5, 7; Manual § I.h.6.** The

EMSSAB Charter implicitly requires Field/Site office compliance with Department requirements set by FACA.

To enhance compliance with FACA, CFR, and DOE policy, EM recommends:

- Ensure that member appointment packages are submitted to DOE Headquarters with a recommendation for DOE Headquarters' approval. DOE Headquarters' approval of new and reappointed 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 of this Guidance "Delegated Authority to the Field for EMSSAB Member Appointment."}
- Provide timely response to Board recommendations.
- Approve local Board bylaws and/or operating procedures to ensure that they are in compliance with FACA.
- Review local annual work plans and budgets and incorporate, as appropriate, into the EM budget development process.
- Coordinate with DOE Headquarters on EMSSAB issues and processes.

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

Under **FACA § 10(e) and CFR § 102-3.120**, each Federal advisory committee is required to have a DFO, in this case a DOE employee, who works closely with the Board. The DFO for the EMSSAB is currently the Associate Deputy Assistant Secretary of the Office of Business Operations (EM-30). The DFO delegates to local DOE employees the responsibility to serve as onsite DDFOs.

FACA and Title 41 Code of Federal Regulations (CFR) require:

- Call for or approve in advance and attend Board meetings. **FACA § 10(e, f), CFR § 102-3.120(a,c)**
- Can adjourn Board meetings if it is in the public interest. **FACA § 10(e), CFR § 102-3.120(d)**
- Approve agendas. **FACA § 10(f), CFR § 102-3.120(b)**
- Chair the meeting if determined necessary by the DDFO. **FACA § 10(e), CFR § 102-3.120(e)**
- Ensure required records on Board costs and membership are maintained, as each agency needs to keep records that will fully disclose the disposition of any funds at the disposal of the Board. **FACA § 6(c), 12(a); CFR § 102-3.175(b)**
- Ensure that detailed minutes of meetings, containing items specified in **CFR § 102-3.165**, are prepared and duly certified. **FACA § 10(c), CFR § 102-3.165**

The Manual requires:

- Ensure that conflict of interest regulations are followed. **Manual § IV.6, V.6.a**

- Arrange for preparing reimbursement of travel expenses as necessary. **Manual § V.6.3.b**
- Assure that each Board meeting is held at a reasonable time and in a manner or place reasonably accessible to the public. **Manual § V.3.**

To enhance compliance with FACA, CFR, and DOE policy, EM recommends:

- Ensure that senior DOE managers who are responsible for environmental cleanup and, as appropriate, their Environmental Management contractor staff, attend and participate in the Board meetings.
- Encourage the Board to listen carefully to all points of view and to work toward consensus.
- Encourage Board members to inform and educate members of their communities on key issues and decisions regarding cleanup and waste management at DOE sites.
- Provide timely information for Federal Register notices to the DFO, and broad local notification about EMSSAB meetings and activities, e.g., in the local media, public reading rooms, and public libraries.
- Ensure that the local SSAB has the opportunity to offer advice and recommendations that may affect the EM decision-making process. To support this, it is recommended that the DDFO:
 - Suggest site activities and policy issues on which the Board's input would be useful.
 - Ensure that DOE's decision-making process is clearly communicated.
 - 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 and priorities for the coming year.
 - 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. Notice: FACA does not assign any specific responsibilities to members of advisory committees (**CFR § 102-3.125**). 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 among the community, DOE, and environmental oversight agencies on relevant issues.
- 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

III.a.1. Public Participation

FACA and Title 41 Code of Federal Regulations (CFR) require:

- Each advisory committee meeting shall be open to the public. **FACA § 10(a)(1)** – Although subject matter may indicate the need to close a meeting (e.g., for security considerations), **FACA § 10(d)** requires the head of the agency to which the committee reports (i.e., in this case, the Secretary of Energy’s delegated official, the Assistant Secretary for EM) to approve, in writing, closed sessions of full committees. **CFR § 102-3.155**
- Timely notice of each meeting shall be published in the *Federal Register* and the DDFO shall prescribe regulations to provide for other types of public notice to ensure that all interested persons are notified of such meeting. **FACA § 10(a)(2)**
- Each meeting shall be held at a reasonable time and in a manner or place reasonably accessible to the public, and to include facilities that are readily accessible to and usable by persons with disabilities. **CFR § 102-3.140(a)**
- Any member of the public shall be permitted to file a written statement with the committee. **CFR § 102-3.140(c)**
- Any member of the public shall be permitted to speak if the Board’s bylaws so permit. **CFR § 102-3.140(d)**
- Any meeting conducted in whole or part by teleconference, videoconference, the Internet or other electronic medium must meet the requirements of this subpart. **CFR § 102-3.140(e)**
- Subcommittees that report to, or advise a full FACA-chartered committee (i.e., in this case, a local SSAB), are not required to comply with the provisions of FACA so long as the local Board deliberates on any recommendations before they are approved. **CFR § 102-3.35 and 102-3.145**

The Manual requires:

- Media representatives attending and reporting on open committee meetings are at liberty to use tape recorders, cameras, and electronic equipment for broadcast purposes. The use of such equipment must not interfere with the orderly conduct of the meeting. To preclude any disruption, news media personnel should be encouraged to position all equipment before the meeting and to defer removal until the meeting is adjourned or any ample intermission period. **Manual § V.3.b.1**

III.a.2. Public Notification

FACA and Title 41 Code of Federal Regulations (CFR) require:

- A notice of the meeting appear in the *Federal Register* at least 15 calendar days prior to a meeting of the local EM SSAB and must include {**FACA § 10(a)(2), CFR §3.150(a)**}:
 - Name of the advisory board, date, time, and place of the meeting;
 - The purpose of the board and agenda for the meeting;
 - A statement that the meeting is open to the public; and
 - The name, address, and phone numbers of the DDFO or another contact for a citizen who may wish to make a statement to the Board;
- All meetings shall have the advance approval and be attended by the DDFO or his/her designee. **FACA § 10(e, f), CFR § 102-3.120(a, c)**

The Manual requires:

- Local DOE Operations, Field, or Area Offices must ensure that *Federal Register* notices are sent to EM-30.1 at least 30 calendar days in advance. **Manual § V.3.c**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- *Federal Register* notices should also include the locations where meeting minutes will be made available to the public, an individual to contact to acquire copies of the minutes, and information on the public comment period.

III.a.3. Minutes and Records

FACA and Title 41 Code of Federal Regulations (CFR) require:

- Detailed minutes of each advisory committee meeting shall be kept. **FACA §10(c), CFR 102-3.165.** Minutes must include:
 - Name of the board
 - Meeting time, date, and place
 - A list of meeting attendees including members of the public presenting oral and/or written statements, and estimated number of other public present.
 - An accurate description of each matter discussed and the resolution, if any, made by the board.
 - Copies of all reports received, issued, and approved by the committee
 - Copies of each recommendation drafted or approved by the board.
- The local site board chair, or DDFO if no Chair or Vice-Chair is present, must certify the meeting minutes within 90 calendar days. **CFR 102-3.165.**
- The board and the Field office must maintain in a single location, copies of records, reports, minutes, transcripts, memoranda, drafts, working papers, and other documents for public inspection. **FACA §10(b), CFR §102-3.170**

- The Field office and the DDFO must keep records to fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. **FACA § 12(a); CFR §102-3.175(b)**. EMSSAB's multi-site structure necessitates that fiscal records be developed and maintained at local sites.
- Ten copies of each annual report be sent to the Deputy Committee Management Officer at U.S. DOE, 1000 Independence Avenue, S.W., MA-7, Room 7E-028, Washington, DC 20585. The Deputy CMO will forward eight copies of the annual reports to the Library of Congress. **CFR §102-3.175**

The Manual requires:

- Names of any member who may have recused themselves from a meeting or a portion of it and their reason for doing so. **Manual § V.5.a.2**
- Two copies of Board minutes are sent to the Deputy Committee Management Officer at U.S. DOE, 1000 Independence Avenue, S.W., MA-7, Room 7E-028, Washington, DC 20585. **Manual § V.5.d, VII.3.b**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Copies of each recommendation drafted or approved by the SSAB are kept in a single location with all other EMSSAB documents.
- One copy of all local board reports, minutes, transcripts (where applicable), recommendations and responses, self-evaluations, and EMSSAB work plans are forwarded by the DDFO or local SSAB Federal Coordinator to the local reading room or other appropriate information resource center(s).
- One copy of SSAB recommendations and the DOE responses is sent to the DFO at DOE Headquarters.
- One copy of minutes, annual reports, self-evaluations, and work plans is sent to the EM SSAB Administrator at DOE Headquarters (EM-30.1) for file.
- One copy of all material is sent to the U.S. Department of Energy, Freedom of Information Public Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, DC 20585 for public use.

III.a.4 SSAB Annual Report to Headquarters

The DFO is required each year to provide to the EM Assistant Secretary an Annual Report on the activities of the EMSSAB during the preceding fiscal year. **Manual VII.3(b), FACA § 6(c) and 7(b)**. Accordingly, local EM SSAB DDFOs and Administrators must submit each Board's data to the Headquarters SSAB Administrator within one month of the close of each fiscal year.

FACA and Title 41 Code of Federal Regulations (CFR) require:

- An informational report to the Department of Energy. **FACA § 6(c); CFR §102-3.175(b)**. Report includes:
 - Activities, status, and changes in composition during the year.

- Dates of meetings and names and occupations of its members.
- Estimated annual cost to DOE to fund, service, and supply the EMSSAB.
- Reports submitted by the EMSSAB.

The Manual requires:

- The CMO will issue instructions to the DFO regarding reporting requirements, procedures, and submission dates. The CMO will then be responsible for coordinating the annual report. **Manual § VII.3.b.2**
- The DFO, and subsequently the DDFOs, is responsible for accurately and completely filling out individual committee reports by the due date assigned by the CMO. **Manual § VII.3.b.2**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

According to the above requirements, this information is not negotiable.

- Data from the previous fiscal year required includes:
 - Total number of reports (including annual reports, recommendation reports, letter reports, etc), the titles of each report or recommendation, and month/day/year they were generated;
 - Total number of meetings held;
 - Names of board members (including current members and those who served on the board at any time during the year but are no longer there);
 - Federal support years (number of full-time employees that work on SSAB issues throughout the fiscal year – i.e., if persons spent half of their working time on SSAB issues, they would count as 0.5 full-time employees, whereas if persons spent all their time on SSAB issues they would count as full-time employees).
- Data required from both the previous fiscal year and the next year's projections includes:
 - Personnel payments to non-Federal members (total dollar amount);
 - Personnel payments to Federal members;
 - Personnel payments to Federal staff;
 - Personnel payments to non-member consultants;
 - Travel and per diem to non-Federal members;
 - Travel and per diem to Federal members;
 - Travel and per diem to Federal staff;
 - Travel and per diem to non-member consultants;
 - Other (rent, user charges, graphics printing, mail, etc);
 - Total dollar amount of all costs.
- In the Annual Report budgetary information request, clearly identify contractor employees in calculations.
- Annual Report information on the impact the Board has had on DOE activities during the past fiscal year is required (e.g., The Hanford Advisory Board recommended that the Department reduce indirect costs, saving more than \$200 million; the Nevada CAB supported the decision to apply for a RCRA Part B permit that will enable the site to accept mixed low-level waste from throughout the DOE complex).

III.b. Board Recommendations and DOE Responses

FACA, the CFR, and the DOE Manual do not provide specific parameters for Board recommendations or DOE responses. **The following are EM's recommendations to enhance compliance with FACA, CFR, and DOE policy and to facilitate the EMSSAB.**

The CFR does suggest that DOE continually seek feedback from the Board members and the public regarding the effectiveness of the Board's activities. At regular intervals, DOE should communicate to the Board members how their advice has affected DOE programs and decision-making. **CFR § 102-3.95(e)**

In general, and in a timely fashion, DOE Field offices should reply to site-specific recommendations, while the Assistant Secretary for EM is responsible for replying to recommendations regarding cross-site or national issues. When appropriate, responses should be in writing.

A copy of any recommendation and response should be sent to the Internal/External Coordination Group (EM-30.1).

DOE written responses should include the following (per Assistant Secretarial Memo dated March 1998):

- 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. Membership

III.c.1. SSAB Membership Composition

It is DOE policy that the Board membership provides for ethnic and gender diversity (Secretarial Memo dated 11/98 requires ensuring adequate diversity on Department advisory boards). 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. In order to comply with both FACA and Departmental policies regarding balance and diversity requirements of advisory committees, the DOE Offices of EM; Management, Budget and Evaluation (ME); and General Counsel (GC) closely scrutinize Board membership.

FACA and Title 41 Code of Federal Regulations (CFR) require:

- The Board must be “fairly balanced in terms of the points of view represented and functions to be performed.” **FACA § 5(b)(2)**

The Manual requires:

- Accordingly, to the extent possible, Board membership should reflect a representative diversity of viewpoints in the affected community and region and include primarily people who are directly affected by DOE site cleanup activities. **Manual § IV. 5.a.1.b; 5.a.5**
 - Officials from DOE, the 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. *Ex officio* members may attend and participate in Board meetings, but do not have voting privileges. The DOE Manual defines this term (**Manual, Attachment I.2.9**).
 - In selecting membership nominees, attention must be given to the conflict of interest considerations discussed in *Section IV of the Guidance*. Pursuant to DOE policy, employees of DOE contractors and other federal agency employees may be appointed only 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. **Manual § IV. 3.b**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- 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 will not justify failure to make adequate outreach efforts.
- Board members are typically drawn from stakeholder groups and organizations, including but not limited to:
 - Local governments
 - Tribal governments
 - Environmental organizations
 - Labor organizations
 - Universities and colleges (including minority institutions)
 - Tribal, Hispanic and other Minority organizations
 - Women’s groups
 - Business groups
 - Civic/religious groups
- Federal, state, Tribal and local government officials are encouraged to recommend prospective members for the local SSAB to DOE Operations, Field, and Area Offices.
- Selection and appointment of committee members shall be accomplished using procedures designed to ensure a diverse Board membership and a balance of representative viewpoints.

III.c.2. Member Appointment

FACA and Title 41 Code of Federal Regulations (CFR) require:

- The Secretary of Energy to delegate authority for SSAB member appointments to the Assistant Secretary for Environmental Management. **FACA § 8(a, b)**
- According to the CFR, membership terms are at the sole discretion of the appointing or inviting authority. **CFR § 102-3.130**. The standard term for Board members shall terminate not later than two years from the date of appointment. **FACA §14(a)(2)**.

The Manual requires:

- Appointments should be staggered so that at least one-third of the membership is retained for continuity. **Manual § IV.2.e.1**
- The Office of General Counsel and the DOE Federal CMO will review nominations to the Board to ensure compliance with FACA requirements, as well as GSA and Departmental requirements. **Manual § I.6.g, IV.2.b**
- Sites must include the following information in their member appointment packages (**Manual § IV. 5**) (see Appendices of the Guidance for more specifics):
 - Memorandum from Operations Office Manager to the Assistant Secretary for EM recommending the nominees for membership (see Appendix 1 of the Guidance for more specifics);
 - A copy of the current Charter;
 - Biographies for all proposed and continuing members, including *ex officio* and staff members (see Appendix 2 for more information);
 - Names, phone and fax numbers, and mailing and email addresses of all proposed members (i.e., new appointments, reappointments and continuing members), including *ex officio* and staff members (see Appendix 3);
 - Names and companies of contractors or federal employees requiring letters of exception to serve on the Board (see Appendix 4 for more information);
 - Outreach efforts conducted to attract new members in the current membership drive (attach copies of letters sent, press releases, radio advertisements, newspaper advertisements, etc) (see Appendix 5 for more information);
 - Completed membership criteria matrices for proposed and current members (*ex officio* members and staff need not be included) (see Appendices 6 and 7 for more information and template);
 - A brief account of the local SSAB history; and
 - Letters of invitation to each member for signature by the Assistant Secretary for EM.
- The Secretary of Energy has delegated authority for EM SSAB member appointments and reappointments to the Assistant Secretary for EM, who has delegated limited authority to the Field offices. This includes initial appointments for positions established in the local EMSSAB bylaws, operating procedures, or Charter, but which, to date, remain unfilled. **Manual § IV.2.a**

- Appointments and reappointments require concurrence from the Office of Internal/External Coordination, the Office of General Counsel, and the Office of the Executive Secretariat (Committee Management Officer). **Manual § IV.5.b.2**
- DOE retains ultimate appointment and removal authority. **Manual § IV.2.g**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- DOE Operations, Field, or Area Offices should provide an information package, no fewer than ten weeks in advance of the desired appointment date for new appointments or reappointments, in both electronic and hard copy. An electronic copy should be submitted to the Director of the Office of Internal/External Coordination. The hard copy should go to the Assistant Secretary for EM. It is critical that sites submit packages in sufficient time for DOE Headquarters to conduct its review and concurrence process. (See Appendices of Guidance for more specifics.)
- The SSAB Administrator in the Office of Internal/External Coordination shall produce all other aspects of the membership package.

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

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- The Assistant Secretary for EM has delegated limited authority to appoint new SSAB members to the DOE Operations, Field and Area Offices. The Field can replace members who have resigned with time remaining in their membership terms 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.
- The Internal/External Coordination Group (EM-30.1) must be advised of all such appointments, and all relevant information must be sent (i.e., name, contact information, biography, and matrix information).

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

In accordance with local EMSSAB bylaws and/or operating procedures, DOE Operations, Field, and Area Offices may recommend to DOE Headquarters (EM-30.1) that local Board members are removed from the SSAB due to chronic and/or unexcused absences at regularly scheduled Board meetings (e.g., missing three consecutive Board meetings or having three unexcused absences in a given calendar year).

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Members who wish to resign from the Board are requested to submit a letter to the Assistant Secretary for EM, with copies to the DDFO, the local EMSSAB Chair, Board Administrator, Federal Coordinator, and the Internal/External Coordination Group (EM-30.1).

III.d. Outreach

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Field office staff should work with local EMSSAB members to ensure that the community is aware of and engaged in Board activities.
- EMSSAB Federal Coordinators should ensure that Board outreach activities are appropriately coordinated with other Field office public involvement activities.
- Field offices may 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.
- Outreach efforts may include, but are not limited to: targeted mailings, notices in newsletters, press releases advertisements in local and regional papers, advertisements on websites, and radio and television advertisements.

IV. Conflict of Interest

Appointing or reappointing local Board members, such as DOE contractor employees, who reasonably may be expected to have a potential conflict of interest regarding certain issues that might be considered by the Board, is permissible when necessary to achieve balance or diversity on a local Board, or to contribute adequate technical knowledge of site operations. In the event of such an appointment, the Advisory Committee Management Officer must sign a letter of exception allowing this individual to serve on the Board. A statement that thoroughly describes the individual's potential conflict of interest and explains why this individual's appointment is deemed essential must be included in the memorandum from the Operations Office manager in the Board's membership package.

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 or appearance of such conflict which can lead to actual bias, or perception of possible bias, in the review of DOE activities or projects. This individual will be informed of the general conflict of interest provisions and asked to disclose the potential conflict of interest or conflict of interest and recuse him/herself from voting on issues that would have a direct and predictable effect on his/her employing organizations, represented group (s) or other entities with which he/she is associated or in which he/she has a financial, professional, or private interest or will receive either tangible or intangible benefits. All members should advise the local Board chair and the DDFO of a

potential conflict or conflict of interest in advance of any discussion of such a topic and, at the time of the discussion, make their potential conflict or conflict of interest a matter of record. In the event of a potential conflict or a conflict of interest a statement is required to be included in the local site Board minutes detailing the potential conflict or conflict of interest, and the action taken to remove it. In the case of a potential conflict or a conflict of interest arising during a subcommittee meeting, the individual with the potential conflict or conflict of interest will report it to the subcommittee chair, who will report it to the DDFO.

The Assistant General Counsel for General Law reviews new member qualifications for conflict-of-interest issues and the Field General Counsel handles mid-term replacements (Section III.c.3 of the Guidance). If a proposed mid-term appointment exhibits a potential conflict or conflict of interest, the local DDFO must provide the Field General Counsel with any relevant materials.

All Board members must 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, professional, or financial gain;
- (2) A member shall not use either directly or indirectly for private or professional gain for him/herself or for his/her represented group 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 individual to provide a financial benefit to the member with the conflict of interest or any person with whom that member has family, business, or financial ties;
- (4) A member shall recuse his or herself from decisions and discussions related to real or perceived conflicts of interest, to act impartially and avoid the appearance of impropriety;
- (5) A member shall not create situations that may result in conflicts of interest or questions regarding the objectivity and credibility of the Board process; and
- (6) A member should seek immediate guidance, beginning with the local DDFO, 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, funding of the local EM SSABs became the responsibility of the DOE Operations, Field, and Area Offices. Accordingly, DOE Field office managers provide adequate funding to local SSABs to enable them to operate efficiently and effectively.

FACA and Title 41 Code of Federal Regulations (CFR) require:

- DOE provide adequate support services as necessary. **FACA § 5(b)(5), 5(c), 12(b) 12; CFR § 102-3.95(a)**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Adequate support services can include but are not limited to:
 - Office space;
 - Necessary supplies and equipment;
 - Federal staff support;
 - Coordination of meetings and agendas;
 - Coaching for members and presenters;
 - Support monitoring emerging issues and activities;
 - Funding for an independent facilitator if necessary to ensure that Board members set and reach objectives, maintain focus, work as a team, strive for consensus, and operate at maximum efficiency; and
 - Funding for independent technical reviews of key issues or provide ongoing technical assistance to the Board. However, Field offices should ensure that technical assistance funding is used to complement, rather than duplicate, the technical programs of DOE and its regulating agencies.
- Field office managers, through the DDFO and EMSSAB 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.
- Field managers should report the level of funding, including technical assistance funding, to the Internal/External Coordination Group (EM-30.1) in the form of an Annual Report of all SSAB activities at the end of each fiscal year.

VI. Compensation and Travel Expenses

VI.a. Board Service Is Not Compensable

The DOE Manual {**Manual IV. 4.d**} provides that only Federal employees or members serving on advisory committees in an expert capacity may be compensated for government service. Individuals who serve on the EMSSAB are appointed on the basis of their ability to represent local interests and concerns, knowledge of pertinent environmental concerns, physical proximity to the site, experience in consensus building skills, and ability to donate adequate time to Board

activities. EMSSAB members serve in a representational capacity and as such, are not eligible for compensation.

VI.b. Travel Reimbursements

FACA and the CFR provide that advisory 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 that is allowed for Federal employees by **FACA § 7(d)(1)(B); CFR 102-3.130(k)**. 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; CFR § 102-3.130(l)**

The Manual requires:

- Coverage: Members will be reimbursed for travel expenses only when they are on committee business while away from their residence or regular places of business. **Manual § VI.3.a**
- Tickets: Generally, DOE will provide members with a Government fare common carrier ticket. If DOE is unable to provide a member with a common carrier ticket, the member may use personal means to purchase transportation, but when costs exceed \$100, the DDFO is required to review the circumstances of the purchase before reimbursement, which may not exceed the Government-authorized fare. **Manual § VI. 3.b**
- Major travel to and from meetings: Airfare is limited to the regular, round trip, coach-class fare or when available, Government contract airlines between the member’s residence or regular place of business and the meeting site. Train travel is authorized when it is advantageous to the Government. A member may also travel to and from the meeting in his/her private vehicle and DOE will reimburse the member at the mileage allowance rate and for fees. **Manual § VI. 3**
- DOE will reimburse members for lodging, meals, and incidental subsistence expenses using a per diem allowance. **Manual § VI. 3**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- Members with questions on travel requirements or reimbursements should consult with the local Field office prior to commencing travel or completing the reimbursement voucher.
- In addition, EMSSAB Federal Coordinators and DDFOs are responsible for determining, after consultation with appropriate offices and/or individual 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.
- Funding and compensation for travel is considered part of the annual budget allocation for the Board.

VII. Evaluation and Team Building

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- DOE Field 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 and quantitative 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

FACA and Title 41 Code of Federal Regulations (CFR) require:

- All local SSABs operate under the EMSSAB Charter, which is renewed biennially. If that charter is not renewed, all SSABs will terminate automatically. **FACA § 14, CFR § 102-3.55(a)**
- A local Board must be terminated when (**CFR 102-3.30**):
 - The stated objectives of the Board have been accomplished;
 - The subject matter of work of the Board has become obsolete by the passing of time or the assumption of the Board's functions by another entity; and/or
 - DOE determines that the cost of operation is excessive in relation to the benefits accruing to the federal Government.

The Manual requires:

- Criteria for termination include the criteria in FACA and the CFR (see page 6) as well as if it has been determined that the advice of the Board is no longer essential to DOE or the Board is no longer in the public interest. **Manual § III.8.a**
- After a decision to terminate the Board is made, the Field office manager should send a memorandum to the Assistant Secretary for EM requesting that the Assistant Secretary terminate the Board. The memorandum should note the reasons for the Board's suggested termination, as well as its accomplishments over the years.

- Letters of appreciation from the Assistant Secretary to the Board members for services rendered must be included in the termination package. **Manual § III.8.b.1**

To enhance compliance with FACA, CFR and DOE policy, EM recommends:

- 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 EMSSAB and with *ex officio* members, should begin establishing a timetable for disestablishing the local Board.
- The termination package should be sent through the same concurrence chain as a member appointment package: submitted by the site (if termination is requested from the site), to EM-30.1 (if termination is requested from HQ, the package should originate in EM-30.1), to EM-30, to GC, to the CMO, to EM-1, and finally, back out to the Field office manager and DDFO.

IX. Acronyms & Definitions

ACMO	Advisory Committee Management Officer, identical to CMO, below
CAB	Citizen Advisory Board
CFR	Code of Federal Regulations
CMO	Committee Management Officer
DDFO	Deputy Designated Federal Official
DFO	Designated Federal Official
DOE	U.S. Department of Energy
EM	Office of Environmental Management
EMSSAB	Environmental Management Site-Specific Advisory Board
EM-11	Office of Intergovernmental and Public Accountability
EM-30	Office of Business Operations
EM-30.1	Internal/External Coordination Group (formerly EM-11)
EPA	Environmental Protection Agency
FACA	Federal Advisory Committee Act
FFERDC	Federal Facilities Environmental Restoration Dialogue Committee; the “Committee”
FTR	Federal Travel Regulations
GC	General Counsel
GSA	General Services Administration
LPSO	Lead Program Secretarial Officer
ME/CFO	Office of Management, Budget & Evaluation/ Chief Financial Officer
NNSA	National Nuclear Security Administration
MA	Office of Management and Administration
OMB	Office of Management and Budget
SC	Office of Science
SSAB	Site-Specific Advisory Board

Advisory Committee: “Any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is established by statute, the President, or by one or more agencies in the interest of obtaining advise or recommendations for the President or one or more agencies or officers of the Federal Government.”

EMSSAB Charter: The governing document for the EMSSAB, including all local boards, which is renewed biannually and approved by the Committee Management Officer (ME-70).

Ex-officio: Senior representatives of both regulated and regulating agencies. These representatives of the agencies should attend advisory board meetings and participate actively in advisory board discussions. However, because the advice from the advisory boards will be directed at their agencies, agency representatives should not take part in final decisions concerning recommendations.

Field: Area and Field Offices

Manual: “Advisory Committee Management Program” Manual, DOE M 510.1-1, 9/30/96

Site & Facility Management (SFM) Contractor: Any contractor performing under a management and operating contract, a management and integration contract, or an environmental restoration management contract awarded by a DOE Contracting Officer. Further, the contractor is directly responsible for federal property including equipment, structures, systems, processes or activities at the site.

X. Applicable Law, Regulations, Orders 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))
<http://www.fda.gov/opacom/laws/fedadvca.htm>

Regulations:

Federal Advisory Committee Management, 41 CFR § 102-3. (2001) (Code).
see also: 52 Fed. Reg. 45926 (1987).
http://www.access.gpo.gov/nara/cfr/waisidx_99/41cfr105-54_99.html

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) (Manual).
<http://www.directives.doe.gov/cgi-bin/explhcg?qry1780413015;doe-278>

Charter:

Office of Environmental Management, Office of Intergovernmental and Public Accountability, U.S. Department of Energy Amended Charter: Environmental Management Site Specific Advisory Board (2002).
<http://web.em.doe.gov/public/ssab/charter.html>

Orders:

Department of Energy Delegation Order No. 002.00A to the Under Secretary for Energy, Science and Environment (September 12, 2002).

Department of Energy Redelelegation Order No. 00-002.03 to the Assistant Secretary for Environmental Management (January 8, 2002).

Policy:

Department of Energy Public Participation and Community Relations Policy (DOE P 141.2) (May 2, 2003)
<http://www.directives.doe.gov/pdfs/doe/doetext/neword/141/p1412.pdf>

Memoranda:

OMB Memorandum for Heads of Executive Departments and Agencies, "Management of Federal Advisory Committees." (June 23, 1994).

Vice Presidential Memorandum to Heads Of Executive Departments and Agencies (June 28, 1994).

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

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 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).

Historical Documents:

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

Surveys and Studies:

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

Appendices

Appendix 1

Tab B – Memorandum from Operations Office Manager to Assistant Secretary for EM

1. The memo should be addressed to the Assistant Secretary for Environmental Management and be signed by the **Operations Office Manager or AMEM, as appropriate**. A memo signed by the DDFO, the Site Director, or Area Office Manager is insufficient.
2. The memo should include a statement that the Operations Office Manager has seen the membership package and recommends the nominees for membership.
3. Send the memo to the Assistant Secretary with the package.
4. Fax a copy of the signed memo to the Headquarters SSAB Administrator.

Appendix 2

Tab C – Member Biographies

Biographies should include the following information and should reflect the membership criteria matrix:

- a) Full name
- b) Current Occupation or retired from last occupation
- c) Past positions, especially any that might pose a conflict of interest
- d) Relevant work experience
- e) Current County/City/Tribal Government participation, University/Black Colleges/Academia/Education, Minority Organizations, Labor Organizations, Civic Groups, Environmental Groups, Women’s Groups, Business Groups or other volunteer organizations and past (if relevant) positions within the said organizations, especially any that might pose a conflict of interest
- f) Education background and all degrees attained, including current enrollment
- g) Where the nominee currently lives (city, state, county)
- h) What position, if any, the nominee holds in the CAB

Additional instructions on the above:

1. List New Appointments with one *asterisk.
2. List Reappointments with two **asterisks.
3. Include *Ex Officios*, administrators and support staff.

*Appendix 3****Tab C – Member List***

- a) Full Name
- b) Full Mailing Address
- c) Telephone Number (work and/or home)
- d) Fax Number
- e) Email Address

Additional instructions on the above:

1. List New Appointments with one *asterisk.
2. List Reappointments with two **asterisks.
3. Include *Ex Officios*, administrators and support staff.

Appendix 4

Tab G – Exception Letter

An exception must be granted by the Committee Management Officer for the following candidates to serve on the CAB.

Indicate which, if any, of your nominees fall under these categories:

- a) Facilities Management Contractor employees at your site or another site
Examples: Westinghouse employee at Savannah River, University of California employee at Los Alamos, Kaiser Hill employee around Hanford (no contract with Hanford, but Kaiser Hill has a facilities management contract at Rocky Flats)
- b) Federal Employees
Examples: DOE employee at Nevada Test Site, DOE employee at the Waste Isolation Pilot Plant, Department of Transportation employee in Ohio
- c) Employees of facilities management contractors anywhere
Examples: Lockheed Martin employee for the Department of Defense, Lockheed Martin employee in the private sector

If it is possible that a potential member may have a conflict of interest, contact the Headquarters SSAB Administrator or the Internal/External Coordination Group (EM-30.1) and send in relevant information with the membership appointment package.

MEMORANDUM FOR: James N. Solit, Office of Management, Budget and Evaluation

FROM: Sandra Waisley, Associate Deputy Assistant Secretary
Office of Business Operations

SUBJECT: Request for Exception for Department of Energy Site and Facility Management Contractor Employee at a Department of Defense Site to Serve on the Environmental Management Site-Specific Advisory Board, Nevada Test Site

Certain individuals employed by Department of Energy (DOE) Site and Facility Management (SFM) contractors are knowledgeable in the areas of environmental restoration and waste management. An exception is requested for an employee of Contractor X, a DOE prime contractor, who is employed on a Department of Defense contract. Contractor X is also a Department of Energy management and operations contractor. In this case, the recommended individual has been carefully considered and is deemed to be essential to the effective functioning of the Board.

I am hereby requesting an exception for:

Special care will be taken to ensure that service of the above DOE (SFM) contractor employee will not result in a conflict of interest. Ms. X will be informed of the general conflict of interest provisions and will be asked to disclose to the Deputy Designated Federal Officer (DDFO) any actual or potential conflicts of interest relative to her employing organization(s) or any other entities with which she is associated or has a financial interest. In the event of an actual or potential conflict of interest, the DDFO or Board Chair will ensure that a statement is included in the official committee minutes detailing the actual or potential conflict and the action taken to address it.

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

Approved:

James N. Solit
Office of Management, Budget and Evaluation

Date

MEMORANDUM FOR: James N. Solit, Advisory Committee Management Officer

FROM: Sandra Waisley, Associate Deputy Assistant Secretary
Office of Business Operations

SUBJECT: Request for Exception for a Department of Energy Site and Facility Management Contractor Employee to Continue to Serve on the Environmental Management Site-Specific Advisory Board, Nevada Test Site

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

I am hereby requesting exceptions for:

Special care will be taken to ensure that appointment of the above DOE SFM contractor employees will not result in a conflict of interest. These individuals will be informed of the general conflict of interest provisions and will be asked to disclose to the Deputy Designated Federal Officer (DDFO) any actual or potential conflicts of interest relative to their employing organizations or any other entities with which they are associated or have a financial interest. In the event of an actual or potential conflict of interest, the DDFO or Board Chair will ensure that a statement is included in the official committee minutes detailing the actual or potential conflict and the action taken to address it.

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

Approved:

James N. Solit
Advisory Committee Management Officer

Date

*Appendix 5****Tab E – Outreach/Recruitment Efforts***

1. Describe all outreach efforts involved in the current membership drive. Include copies of advertisements placed in newspapers or other media, if available, as well as copies of letters sent, press releases, radio and television advertisements and any other forms of outreach conducted.
2. Include city/county or state census information from the latest census. This will help justify any questions regarding a perceived lack of diversity.

Appendix 6

Tab D – Membership Criteria Matrix

Membership Criteria Matrix should accurately reflect the Member Biographies.

Page 1 (i.e., is the nominee involved in any of the following)

- a) County/City/Tribal Government participation
- b) University/Black Colleges/Academia/Education
- c) Minority Organizations
- d) Labor Organizations
- e) Civic Groups
- f) Environmental Groups
- g) Women’s Groups
- h) Business Groups

Additional instructions on the above:

1. List New Appointments with one *asterisk.
2. List Reappointments with two **asterisks.
3. Do not include *Ex Officio* or staff members.

Page 2 (i.e., is the nominee representative of the following)

- a) African American
- b) Hispanic
- c) Native American
- d) Other Minority
- e) What is the Gender of the candidate?

Additional instructions on the above:

1. List New Appointments with one *asterisk.
2. List Reappointments with two **asterisks.
3. Do not include *Ex Officio* or staff members.

Page 3

- a) List the nominee’s educational background – any degrees attained. List any programs in which the candidate is currently enrolled.
- b) List the Geographic Location – city and county – in which the candidate lives.
- c) Is the nominee a DOE Contractor, Consultant or Employee? If so, list the employer.
- d) List the candidate’s current occupation.
- e) Does the candidate work for a Waste Management or Environmental Restoration firm?

Additional instructions on the above:

1. List New Appointments with one *asterisk.
2. List Reappointments with two **asterisks.
3. Do not include *Ex Officio* or staff members.

GUIDANCE ERRATA SHEET

This Errata Sheet corrects U.S. Department of Energy Environmental Management Site-Specific Advisory Board (EMSSAB) Guidance dated December 8, 2003, and must be kept with the Guidance.

9/14/2004 – Part “**II.c.** Designated Federal Officer (DFO)/Deputy Designated Federal Officer (DDFO)”, Section entitled, “FACA and Title 41 Code of Federal Regulations (CFR) require:”

Text reads: Chair the meeting if determined necessary by the DDFO. **FACA § 10(e), CFR § 102-3.120(e)**

Corrected: Chair the meeting if determined necessary by the DFO. **FACA § 10(e), CFR § 102-3.120(e)**