

**U. S. DEPARTMENT OF ENERGY (DOE)
OFFICE OF ENVIRONMENTAL MANAGEMENT (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Intergovernmental Affairs – Site Specific Advisory Board

SOPP: IA 8.1

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1. POLICY:

- a. The Environmental Management (EM) program elements and documents defined as essential for monitoring the scope, schedule and cost of the EM Site Specific Advisory Boards (EMSSAB) at the Headquarters (HQ) level will be managed and controlled through the Office for Business Operations (EM-30) Internal/External Coordination Group (EM-30.1).

2. OBJECTIVES:

- a. To develop and institutionalize a process for planning, execution and control of a system that assures proper definition, coordination, evaluation and disposition of EMSSAB guidance activities.

3. APPLICABILITY:

- a. The provisions of this procedure will apply to all HQ EM and Field organizations responsible for the execution of the EMSSAB Program and EMSSAB members and ex-officios.

4. REFERENCES:

- a. 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>
- b. Federal Advisory Committee Management, 41 CFR § 102-3. (2001) (CFR). *see also:* 52 Fed. Reg. 45926 (1987).
http://www.access.gpo.gov/nara/cfr/waisidx_99/41cfr105-54_99.html
- c. 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/explhcgi?qry1780413015;doe-278>

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- d. 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>
- e. Department of Energy Delegation Order No. 002.00A to the Under Secretary for Energy, Science and Environment (September 12, 2002).
- f. Department of Energy Re-delegation Order No. 00-002.03 to the Assistant Secretary for Environmental Management (January 8, 2002).
- g. 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>
- h. OMB Memorandum for Heads of Executive Departments and Agencies, "Management of Federal Advisory Committees." (June 23, 1994).
- i. Vice Presidential Memorandum to Heads Of Executive Departments and Agencies (June 28, 1994).
- j. Memorandum from William Richardson, Secretary of Energy, entitled, "Membership of Departmental Advisory Committees" (November 6, 1998)
- k. 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)
- l. 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)

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- m. Office of Environmental Management, U.S. Department of Energy Site-Specific Advisory Board Guidance (Final) (January 1996).
- n. Federal Facilities Environmental Restoration Dialogue Committee (FFERDC), Keystone Center, Keystone, CO, Consensus Principles and Recommendations for Improving Federal Facilities Cleanup (1996).

5. CONTACT:

- a. Frederick D. Dowd, EM-30.1, (202) 586-5848, frederick.dowd@em.doe.gov

6. DEFINITIONS:

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

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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.

7. REQUIREMENTS:

a. Monitoring

- i. The EM Policy Administrator will conduct periodic reviews to evaluate these procedures to ensure compliance with established/approved policy.

b. Records

- i. EM-30.1 will maintain a copy of files generated by this procedure for a period of three (3) years.
- ii. After three (3) years, files will be sent to the EM Central Records Facility for life-cycle records management.

c. Training

- i. None at this time.

8. ROLES & RESPONSIBILITIES:

a. Office of the Executive Secretariat - Committee Management Officer (CMO) (ME-70)

- i. Ensure compliance with FACA. FACA § 8(b)(1); CFR § 102-3.115.

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- ii. 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.
 - iii. Renew or terminate the EMSSAB charter as appropriate. Annually, review the need to continue the EMSSAB {FACA § 5(b)(3), 5(c), 8(b)(1); 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)(1), 14(a); CFR 102-3.55(a), 102-3.115.
 - iv. 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).
- b. Assistant Secretary for Environmental Management (EM-1)
 - i. Ensure compliance with FACA. FACA § 8(b)(1); CFR § 102-3.115.
 - ii. Issue administrative guidelines and management controls. Ibid.
 - iii. Designate a Designated Federal Officer (DFO) for the EMSSAB. Ibid.
 - iv. 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).
- c. Internal/External Coordination Group (EM-30.1)
 - i. 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) and 12(a).

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- (1) Under the CFR § 102-3.120, each Federal advisory board 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, Office of Business Operations (EM-30). The DFO delegates to local DOE employees responsibility to serve as Deputy Designated Federal Officers (DDFOs) for local Boards.
 - ii. Prepare Federal Register notices for local EMSSAB public meetings. Manual § V.3.
 - iii. Ensure that conflict of interest regulations are followed. Manual § IV.6 and V.7.
 - iv. Prepare, process, and obtain approval of EMSSAB new/renewal membership packages. Manual § IV.5.
 - v. Prepare, process, and obtain approval of SSAB Charter renewal. Manual § III.3.
 - vi. Maintain records and documentation. Manual § VII.2.
- d. Office of the Assistant General Counsel for General Law (GC-77)
 - i. Provide legal support for EMSSAB Charter renewal, Charter termination, official appointments of Board members, conflict of interest and policy issues.
- e. EM Program Offices (as appropriate)

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- i. Respond in a timely fashion to EMSSAB recommendations, as appropriate.

- f. DOE Operations, Field and Area Offices - (Although DOE Headquarters, through the Assistant Secretary for EM and the CMO, is responsible for the EM SSAB, DOE Operations, Field and Area Offices (the Field) are accountable to DOE-HQ for local Board activities and act in DOE's stead at the local level).
 - i. 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 and VII.3.
 - ii. Make records available to interested members of the public. CFR § 102-3.170; Manual § VII.4.
 - iii. 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).
 - iv. 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.
 - v. 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 § IV.3; EMSSAB Charter § 11(a). The EMSSAB

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Charter implicitly requires Field/Site Office compliance with Department policies. Outreach efforts, therefore, should be aimed at achieving such diversity.

- vi. Provide adequate resources to enable the Board to carry out its functions as written in FACA § 5(b)(5), 5(c), 12(b); CFR § 102-3.95(a); Manual § I.h.6 and Charter § 5 and 7. The EMSSAB Charter implicitly requires Field/Site Office compliance with Department requirements set by FACA.
- g. Designated Federal Officer (DFO)/Deputy Designated Federal Officer (DDFO) - Under the FACA § 10(e) and CFR § 102-3.120, each Federal advisory board 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, Office of Business Operations (EM-30). The DFO delegates to local DOE employees the responsibility to serve as onsite DDFOs.
 - i. Call for or approve in advance and attend Board meetings. FACA § 10(e, f); CFR § 102-3.120(a, c).
 - ii. Can adjourn Board meetings if it is in the public interest. FACA § 10(e); CFR § 102-3.120(d).
 - iii. Approve agendas. FACA § 10(f); CFR § 102-3.120(b).
 - iv. Chair the meeting if determined necessary by the DFO. FACA § 10(e); CFR § 102-3.120(e).
 - v. 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).

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- vi. Ensure that detailed minutes of meetings containing items in CFR § 102-3.165, are prepared and duly certified. FACA § 10(c); CFR § 102-3.165.
 - vii. Ensure that conflict of interest regulations are followed. Manual § IV.6 and V.6.
 - viii. Arrange for preparing reimbursement of travel expenses as necessary. Manual § V.6.
 - ix. 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
- h. 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 though, local Board members are expected to:
- i. Attend meetings.
 - ii. Participate in an open, constructive, and respectful manner.
 - iii. Provide advice and recommendations to DOE decision-makers at the Field and Headquarters levels on relevant environmental management issues.
 - iv. Act as a conduit for the exchange of information among the community, DOE, and environmental oversight agencies on relevant issues.

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- v. Review, evaluate, and comment on environmental management documents and other materials.

9. PROCEDURES:

- a. The procedures for the EMSSAB program are contained in the US. Department of Energy EMSSAB Guidance, December 8, 2003, cited federal regulations and DOE manual. (See Appendix A).

10. APPENDICES:

- a. US. Department of Energy EMSSAB Guidance, December 8, 2003

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1/7/04

Date:

Approving Official:

Jessie Hill Roberson

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Date:

1/12/04