

1. MISSION

The mission of the Idaho National Laboratory (INL) Site Environmental Management (EM) Citizens Advisory CAB (CAB or Board) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities, EM, and INL. The Board is chartered under the EM Site-Specific Advisory Board (SSAB) Charter. At the request of the assistant secretary or the field manager, the Board may provide advice and recommendations 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 and long-term stewardship; risk assessment and management; and cleanup science and technology activities. The Board may also be asked to provide advice and recommendations on any other EM project or issue. The Board ensures early ongoing community access to information (and its interpretation and implications) and dialogue that improves the quality of the decision-making process of EM and INL.

2. OBJECTIVES, RESPONSIBILITIES, AND FUNCTIONS

2.1 Objectives

The INL Site EM CAB shall fulfill its mission within the applicable laws and regulations governing its operation and shall provide informed recommendations and advice to the U.S. Department of Energy (DOE) EM Program.

2.2 Responsibilities

The INL Site EM CAB shall:

1. Work constructively with DOE and the Agencies (State of Idaho Department of Environmental Quality, U.S. Environmental Protection Agency [EPA] Region 10).
2. At the specific request of EM, the CAB will provide independent advice and recommendations to the assistant secretary for EM or the EM assistant manager at INL. The CAB will provide advice and recommendations in response to charges issued by EM or INL.
3. Treat all information and materials provided by DOE and other agencies in a responsible manner.
4. Seek additional information, as necessary, to augment information provided to the CAB by DOE and other agencies.
5. Provide information on CAB activities as requested.
6. In compliance with the Federal Advisory Committee Act (FACA), CAB meetings will be open to the public and the Board will give advance notice of a minimum

of 15 days. The CAB meetings will be held at regular times in public locations to encourage maximum public and Board participation.

7. Provide a written record of all CAB and committee meetings within a reasonable time period.
8. Develop and publish an annual report (optional).

Additionally, members shall:

1. Devote the time necessary to attend meetings, review material, receive training, and fully participate in CAB matters in a manner consistent with these operating procedures.
2. Work constructively with other members of the CAB in the best interest of the CAB.
3. Represent CAB activities and positions accurately, and clearly distinguish between INL Site EM CAB positions and personal viewpoints when communicating with the public, the media, or other organizations.

2.3 Functions

To achieve its mission, fulfill its purpose, and operate within its operating procedures and FACA, the INL Site EM CAB shall:

1. Obtain timely and balanced information from available sources, including DOE and other agencies, contractors, independent consultants, and the public.
2. At the end of each fiscal year, conduct a self-evaluation, either formal or informal, of operations and progress made during the previous year with the aim of improving the CAB's overall effectiveness.
3. The Board seeks a free and open two-way exchange of information and views between Board members and EM, where all are invited to speak and to listen.
4. EM will always remain mindful of the various stakeholder interests represented on the Board. It will seek to ensure that all interested parties and stakeholders continue to be adequately and equitably represented.
5. The EM SSAB is chartered under the FACA. The INL Site EM CAB is thereby subject to the requirements of the EM SSAB Charter, FACA (5 United States Code [USC] Appendix I [Public Law 92-463]), and Federal Advisory Committee Management regulations (41 Code of Federal Regulations [CFR] 101-6.10).

2.4 Decision-Making

The consensus process is the preferred procedure (however, it is not required by statute or regulation) by which the CAB will reach agreement on advice or recommendations to DOE and/or the Agencies. This reflects the role of the CAB as an advisory board, where it is important to represent the true diversity of stakeholder opinion, rather than as a body actually faced with making and implementing decisions.

Consensus evolves from informed discussion and deliberation in which all members participate, bringing to the issue their individual values and values representative of their respective stakeholder groups. Consensus allows for shades of opinion on the many aspects of a given issue.

Understanding consensus is the preferred method of decision-making. At any time during discussion of any issue, the facilitator or any member of the CAB may call for a vote as to whether to continue with attempts to reach consensus or to decide the issue by a majority vote. This procedural vote does not require a second, is not debatable or amendable, and will be decided by a simple majority vote.

If “majority vote” is selected as the preferred procedure, discussion of the issue will then continue, under the guidance of the facilitator, using the same rules as for consensus development. When the issue has been properly framed and adequately discussed, the facilitator will determine from the CAB if it is ready to vote on the issue. If a majority indicates a vote to be in order, the facilitator will request an immediate vote, also to be decided by a simple majority.

3. MEMBERSHIP

The INL Site EM CAB shall consist of not less than 12 or more than 15 voting members, exclusive of liaisons. Liaisons (without vote) will be representatives of the DOE Idaho Operations Office, EPA Region 10, the State of Idaho, and others, as designated.

3.1 Selection Criteria

1. Membership on the CAB requires sincere interest in issues related to the INL as well as the time to study, discuss, and reach agreement as a group relative to those issues. The need for commitment in these areas shall be stressed throughout the application and selection process.
2. The CAB member nomination shall be in accordance with the FACA and DOE Manual 510.1-1. These criteria and guidelines are designed to ensure that CAB membership reflects the demographic composition of the area impacted by INL cleanup activities and includes a broad, representative cross-section of stakeholders.

3.2 CAB Member Appointment/Removal

Pursuant to delegated authority, the assistant secretary for EM is authorized to appoint and remove EM SSAB members. INL Site EM CAB members serve at the pleasure of the assistant secretary and may be removed at any time during their tenure.

1. At the request of the assistant secretary, the deputy designated federal officer (DDFO) solicits nominees for the INL Site EM CAB. The DDFO may request assistance from the INL Site EM CAB in soliciting and identifying potential members.
2. The standard term for Board members is 2 years, commencing May 1 of the year, and members are to serve no more than three 2-year terms for a total of 6 years. If the member pool is limited, a request for an exception may be made by the assistant manager for EM or the assistant secretary.
3. The representative for the Shoshone-Bannock Tribes will be nominated by appropriate Tribal authorities.
4. Members may include, but are not limited to, interested stakeholders from local governments; Tribal nations; environmental, civic, and religious groups; labor organizations; ethnic minorities; academia; women's groups; and other interested individuals.
5. The CAB will typically consist of not less than 12 or more than 15 voting members, exclusive of liaisons. Liaisons (without vote) will be representatives of the DOE Idaho, EPA Region 10, the State of Idaho, and others, as designated.
6. The assistant secretary, INL manager, or the assistant manager for EM may request that other federal, state, local entities or Tribal organizations name liaisons to the CAB to provide information and represent their agency's interests at CAB meetings. These liaisons may participate in discussions but shall have no vote and shall not be included in the quorum count.
7. The DOE Idaho Operations Office may recommend to DOE Headquarters that a CAB member be removed, as deemed necessary, in order to carry out the mission of the CAB. Any CAB member may be recommended for removal by a 75% affirmative vote by the current voting CAB membership, for the following reasons: excessive absences, change in status so that individual no longer meets selection criteria, is placed in conflict of interest, or repeated failure to conform to the FACA, the EM SSAB Charter, and the adopted procedures of the INL Site EM CAB.

3.3 Vacancies

If an out-of-cycle vacancy occurs following death, resignation, or removal, the DDFO may solicit nominees from Board members, members from the INL community at large, or individuals who work at INL. Nominees should meet, as far as possible, the CAB's

existing stakeholder balance, diversity, and geographical distribution. The vacancy shall be filled by interim appointment for the remainder of the unexpired term in accordance with the DOE EM SSAB guidance.

3.4 Resignations

Written resignations from CAB members shall be submitted to the assistant secretary for EM, with copies to the DDFO, CAB chair, and the Office of Public and Intergovernmental Accountability (EM-13).

4. CHAIR AND VICE CHAIR

The chair (or co-chairs) and vice chair, shall be chosen by the CAB 6 months prior to the seating of new members on the biannual rotation of CAB membership. Nominations (open or self-nominations) will be made at the close of the first day of the CAB meeting. Voting will be by secret ballot during the second day of the CAB meeting. Terms of office shall be 2 years (commencing at the first meeting of the seating of the new members, following a two-meeting mentoring period under the previous chair). The vice chair will substitute for the chair, as needed.

- 4.1 The chair will function as an equal member of the CAB during all discussions and deliberations.
- 4.2 The chair shall be responsible for coordinating with the support staff and DOE on CAB proceedings and shall serve as a point-of-contact for CAB members, support staff, liaisons, and DOE coordinators. The chair will interact with other advisory groups, as necessary and as directed by the CAB.
- 4.3 Every attempt will be made by the CAB chair to ensure diversity of perspective and equitable division of committee workload. If a committee does not select its chairperson within a reasonable period, a committee chair may be named by the CAB chair.
- 4.4 The chair will work with support staff to ensure the meeting minutes accurately reflect the content of CAB deliberations. The DDFO will ensure that the chair verify the accuracy of the meeting minutes and certify them within 90 calendar days of the meeting.
- 4.5 If the position of chair or vice chair becomes vacant because of removal or resignation, a replacement to serve the remainder of the 2-year term shall be selected by secret ballot at the next regular meeting of the CAB, subject to confirmation by DOE.

5. CONFLICT OF INTEREST

5.1 Definition

CAB members are prohibited from personally and substantially participating as a CAB member in any particular matter in which the CAB member or the CAB member's

spouse, minor child, general partner, or employee has a financial interest. This restriction also applies to persons and organizations with whom the CAB member is negotiating for or has any arrangement concerning prospective employment, or is an employee.

5.2 Enforcement of Conflict of Interest Policy

Questions concerning conflict of interest shall be referred to the DDFO, who will seek the advice of legal counsel, for resolution.

5.3 Recusal

If a Board member is aware of a conflict of interest, as defined above, the member shall immediately inform the DDFO and the CAB of the interest and shall refrain from participating in discussions and recommendations in which a conflict or potential for conflict of interest exists.

5.4 Principles of Conduct

All CAB 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 relationships.
4. A member shall recuse him/herself from decisions and discussions related to real or perceived conflicts of interest, 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 CAB process.
6. A member should seek immediate guidance, beginning with the local DDFO, if he/she is offered anything of value such as a gift, gratuity, loan, or favor in connection with advisory committee service.

5.5 Exceptions

Members may receive an unsolicited gift from persons having business with or an interest in DOE if:

1. The gift has an aggregate market value of \$20 or less per occasion, provided that the aggregate market value of the individual gift received from any one person under the authority of this paragraph shall not exceed \$50 in a calendar year;
2. The gift is motivated by a family relationship or personal friendship rather than a member's position; and
3. The gift results from the business or employment relationship of a member's spouse or the outside business or employment activities of a member when it is clear that such gifts are not enhanced because of the member's position.

6. MEETINGS

6.1 Frequency, Location, and Format

The EM SSAB will meet approximately twice per year. The INL Site EM CAB will meet approximately six times per year or as deemed necessary. Decisions on the frequency of CAB meetings will be as determined by the CAB based on its assessment of CAB member needs and subject to the following meeting format:

1. Meetings will be held primarily in Idaho Falls with outreach meetings being held in other areas of impact.
2. Public notices will be printed in the Federal Register at least 15 days before the meeting. Announcements may be made in the local newspapers.
3. Meetings will be open to the public, a section of the meeting room will be set aside for observers, and public comment is invited at appropriate times during a meeting.
 - a. There will be a fixed agenda time for public comment. A non-recused Board member may not address the Board during the time set aside for public comment. The public comment period may be extended by the Chair or by consensus of the Board members in attendance.
 - b. If required, at the discretion of the Chair, the fixed time will be divided equally among the members of the public who request to speak.
 - c. Before a decision on a recommendation is made, the Chair may invite members of the public to offer their input. The Board will determine, in advance, how much time they will allocate for public input.
 - d. Members of the public may offer their comments in writing and give them to the DDFO.
 - e. Time will be set aside for Board member comments during each meeting.

6.2 Meeting Support

Meeting arrangements, including logistical support and a facilitator to assist the Chair, as needed, in conducting a meeting, will be provided by a contracted support group, as approved by the DDFO.

6.3 Agenda

At the end of each full board meeting, the agenda objectives for the next meeting will be formulated by the CAB and DOE. These objectives will be based on adopted priorities and will include any other matters to come before the CAB, including periods set aside for public comment. The agenda will be approved and signed by the DDFO prior to publication. Modifications to the agenda may be made by the DDFO upon the request of DOE or the CAB.

6.4 Minutes

Minutes of the meeting will be provided by the support staff and will be sent in draft form to all members for comment following each full board meeting. Comments as to changes or clarifications must be returned within 7 working days following the date of mailing. The draft minutes will also be concurrently submitted to DOE. The Chair will be responsible for inclusion or other resolution of member comments in consultation with the support staff, if necessary. The DDFO will ensure that the Chair verify the accuracy of the minutes and certify them within 90 calendar days of the meeting. A copy of the filed minutes will be provided to each CAB member in the next mailing.

6.5 Quorum

Two-thirds of the current voting CAB membership, rounded down if necessary, will constitute the quorum required for the conduct of CAB business. No alternates or proxy votes are permitted.

7. BOARD BUDGET

The CAB budget considerations should include preparation of a budget proposal to the DOE Idaho Operations Office on the DOE budget cycle. The draft budget proposal will be reviewed and approved by the full CAB. Funding amounts will be determined yearly based on the CAB's approved work plan and availability of funds. The DDFO retains the fiscal responsibility for the CAB, but may assign a CAB member as fiscal agent that is acceptable to EM.

8. COMMITTEES

The CAB shall designate standing and ad hoc issue committees, as needed. Standing committees shall be composed of at least three volunteer voting CAB members whom will work with, and coordinate through, the support staff. Committee meetings will be scheduled, as needed, through support staff, either as face-to-face meetings or via conference calls. Committees meet independently of the CAB. If any committee meetings are open to the public, the meetings must

be held in a public location and properly noticed. All CAB members are notified of meetings and are welcome to participate. DOE and support staff should attend all meetings.

All draft recommendations prepared by any standing committee(s) shall be submitted to the full CAB for review and comment prior to the CAB meeting. Committees may not directly submit recommendations to EM. It is the responsibility of CAB members to review and be prepared to discuss, modify, reject, or accept the committee draft at the next scheduled meeting.

9. AMENDMENTS

Amendments to the CAB mission statement, objectives, functions, responsibilities, and procedures will be made in accordance with the following:

- 9.1 Proposed amendments may be submitted by any member of the CAB to the cognizant committee.
- 9.2 The cognizant committee will consider the amendment and forward its recommendation and justification to the entire CAB.
- 9.3 Amendment must be approved unanimously by the CAB.
- 9.4 All amendments to these operating procedures must be approved by the designated federal officer at DOE Headquarters in consultation with the Office of the General Counsel.

10. REFERENCES

There are statutory and regulatory requirements that must be met as the CAB carries out its mission. These include:

- EM SSAB Charter, April 16, 2006.
- FACA, USC Appendix 1 (Public Law 92-463).
- Implementing Regulations 41 CFR 101-6.10, as amended.
- Interim EM SSAB Guidance, June 2006.
- 41 CFR 102, as amended.
- DOE Manual 510.1-1, as amended.