

## **Citizens Advisory Board Committee Minutes**

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**Committee:** Executive/Administrative

**Date:** August 22, 2006 – 10:00 a.m. (MT)

**Participants**

**Board Members:** Bill Flanery, Co-Chair  
John Bolliger  
R.D. Maynard  
Bruce Wendle

**DOE-ID:** Shannon Brennan

**Support Staff:** Lisa Aldrich

**Objective(s) for the Committee Call**

- CAB operating procedures
- Standard EM status report
- Status of anticipated documents, review of agenda, and setting of agenda priorities
- Budget (CAB FY07)
- Information for chairs meeting in Santa Fe (who will report?)

**Operating Procedures**

The committee went through the procedures and provided comments. The comments are incorporated into the attachment. Any additional comments should be provided to support services.

**Standard EM Status Report**

The CAB requests the standard EM status report from Rick Provencher.

**Status of Anticipated Documents, Review of Agenda, and Setting of Agenda Priorities**

No outstanding documents to receive at this time. Review of agenda and priorities will be done on the next committee call.

**Budget CAB FY 07**

The budget-to-date was presented and options given for the upcoming fiscal years. An example budget and options for fund expenditures will be provided for the next committee meeting.

**Information for Chairs Meeting**

A separate meeting will be set up with Dick Buxton and Bill Flanery to discuss the presentations for the chairs meeting.

**Actions**

- Example budget and fund options (support services and Shannon Brennan)

**Attachments:** Operating Procedures redline

## 1. MISSION

The Idaho National Laboratory (INL) Site Environmental Management (EM) Citizens Advisory Board (CAB) is a broadly cross-section of citizens affected by the environmental management cleanup activities at Idaho National Laboratory. The Board is dedicated to providing informed recommendations and advice to the Department of Energy Environmental Management Program regarding issues affecting the EM program including 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 composition reflects the citizenry of the area affected by the cleanup program.

## 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 Department of Energy (DOE) Environmental Management Program regarding environmental restoration and waste management, as well as land use and economic development of contaminated areas.

### 2.2 Responsibilities

The INL Site EM CAB shall:

1. Work constructively with DOE and the ~~a~~Agencies ([State of Idaho Department of Environmental Quality, Environmental Protection Agency \[EPA\] Region 10](#)).
2. Work with DOE to identify priorities (work plan).
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 Board by DOE and other agencies.
5. Provide information on Board activities as requested.
6. Hold meetings that are open to the public, and encourage public participation.
7. Provide a written record of all Board and committee meetings within a reasonable time period.
8. Develop and publish an annual report.

Board Members shall:

1. Devote the time necessary to attend meetings, review material, receive training, and fully participate in Board matters in a manner consistent with these Bylaws.
2. Work constructively with other members of the Board in the best interest of the Board.
3. Represent Board 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 bylaws, the INL Site EM CAB shall:

1. Identify and prioritize issues in conjunction with DOE.
2. Obtain timely and balanced information from available sources, including DOE and other agencies, contractors, independent consultants, and the public.
3. 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 board's overall effectiveness.

## 2.4 Decision-Making

The consensus process is the preferred procedure (however, is not required by regulation) by which the Board will reach agreement on advice or recommendations to DOE and/or the Agencies ~~will be by consensus~~. 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 the 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 is to 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 Idaho National Laboratory (INL) Site Environmental Management Citizens Advisory Board (CAB) shall consist of **not less than 15 or more than 18 voting members [need CAB decision]**, exclusive of liaison members. The initial group shall be composed of 15 members, but additional members may be added if the Board determines that certain interests are not adequately represented. Liaison members (without vote) will be representatives of the Department of Energy (DOE) Idaho, Environmental Protection Agency (EPA) Region X, the State of Idaho and others as designated.

#### 3.1 Selection Criteria

Membership on the Board requires a 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.

Board member selection shall be in accordance with the Federal Advisory Committee Act (FACA) and DOE Manual 510.1-1. These criteria and guidelines are designed to ensure that Board membership reflects the demographic composition of the area impacted by the INL cleanup activities and includes a broad, representative cross-section of stakeholders.

The following perspectives shall be represented:

- Shoshone-Bannock ~~Tribes~~ **Tribal government**
- Tribal, Hispanic, and other minority organizations **[redundant?]**
- Labor organizations
- Local governments
- **Women's groups**
- Environmental organizations
- Business groups
- Civic/religious groups
- Natural resource user (ties to natural resource quality and availability)
- Universities and colleges (including minority institutions)
- Health professional
- General public.

The membership must be fairly balanced in terms of the points of views represented and the functions to be performed.

### 3.2 Process for Membership Rotation

Voting members of the Board will serve for a term of two years, commencing in May 1<sup>st</sup> of the year of appointment with the total years of service not exceeding six years. At least one-third of the Board membership shall be replaced by new members at the completion of each two-year term. A term shall commence in an even-numbered year.

1. The successor to a vacancy on the Board will serve the balance of the two-year term of the member replaced, and may be reappointed for additional two-year terms not exceeding a total of six years.
2. The representative for the Shoshone-Bannock Tribes will be nominated by appropriate Tribal authorities. [Shannon to find out who the recognized tribal authority is]

Activities associated with the replacement of Board members shall occur in a manner which ensures that (a) adequate notice of Board openings is provided to the public, and (b) the timely succession of new members occurs as soon as they are approved by the DOE.

Nominations and applications will be received on an ongoing basis and maintained by DOE from any federal/state agencies, the CAB, DOE, and members of the public.

1. On a biannual basis, DOE shall give public notice that there are openings on the Board, whether applicants should represent certain perspectives, and that applications are being taken. DOE shall additionally review applications on file and contact appropriate applicants to determine if they are still interested and available.
2. DOE will remove sensitive information and assign a tracking number to each application. [need definition of sensitive]
3. At the beginning of each bi-annual recruitment cycle, DOE will provide the masked applicant information to the CAB Membership Committee, and the CAB and DOE will work collaboratively to evaluate and categorize the applications in accordance with recruitment requirements and vacancy needs.
4. The applications will be evaluated based on written criteria established by the CAB and DOE.
5. DOE and the CAB may choose to interview applicants to supplement information provided on applications.
6. The Member Selection Committee will submit the final slate of candidates to the Board for consideration.

7. The CAB and DOE will identify the resulting slate of candidates and will submit a formal request to DOE-ID for the manager's official acceptance and submittal to headquarters for approval.
8. Each time an in-cycle vacancy occurs, the CAB committee and DOE will choose no more than three candidates for each open position from the pool of available candidates who meet the criteria and will maintain or increase the representational diversity of the Board.
9. The name of the nominee for each vacancy to be filled and the perspective the nominee represents shall be forwarded to DOE-ID for approval or rejection.

### 3.3 Resignations

Written resignations from Board members shall be submitted to the Assistant Secretary for EM, with copies to the Deputy Designated Federal Officer (DDFO), CAB chair, and the Office of Public and Intergovernmental Accountability (EM-13).

### 3.4 Removal from Membership

The DOE operations office may recommend to DOE-HQ that a board member be removed as deemed necessary in order to carry out the mission of the CAB. Any Board Member may be removed by a 75% affirmative vote by the current voting Board membership, for the following reasons:

- Excessive absences (three or more meetings).
- Change in status so that individual no longer meets selection criteria or is placed in conflict of interest.
- Repeated failure to conform to the adopted procedures of the CAB.

## 4. CHAIR AND VICE CHAIR

The Chair (or co-chairs) and Vice Chair, ~~or co-chairs~~, shall be chosen by the Board six months prior to the seating of new members on the biannual rotation of Board membership. Nominations (open or self-nominations) will be made at the close of the first day of the Board meeting. Voting will be by secret ballot during the second day of the Board meeting. Terms of office shall be two 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.

1. The Chair will function as an equal member of the Board during all discussions and deliberations.
2. The Chair shall be responsible for coordinating with the support staff and DOE on Board proceedings and shall serve as a point-of-contact for Board members, support staff,

liaison members and DOE Coordinators. The Chair will interact with other advisory groups as necessary and as directed by the Board.

3. Every attempt will be made by the Board 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 chair may be named by the Board Chair.
4. The Chair will work with support staff to ensure the meeting minutes accurately reflect the content of Board deliberations. The chair will certify the meeting minutes.
5. If the position of Chair or Vice Chair becomes vacant because of removal or resignation, a replacement to serve the remainder of the two 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**

Members of the Board are required to recuse themselves from participation in any meeting, discussion, study, recommendation, or other Board activity that could have a direct and predictable effect on the companies, organizations, or agencies with which they are associated or in which they have a financial interest. On any given issue, individuals who have questions about their eligibility shall be requested to state their potential conflict of interest and request a decision from the Board and the DDFO on their eligibility to participate in decisions on that issue.

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 relationships.
4. A member shall recuse him or 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 Board process.
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.

## 6. MEETINGS

### 6.1 Frequency and Location

The Environmental Management Site-Specific Advisory Board (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 Board based on its assessment of CAB member needs and subject to approval by the DDFO.

1. Meetings will be held primarily in Idaho Falls with outreach meetings being held in **other areas of impact [define]**.
2. All Board meetings will be open to the public and will be held at a reasonable time and place. Meeting notices will include issues to be considered by the Board and scheduled issue presentations, and will give information on approximate timing for public comment. Any member of the public may file a written statement with the Board.

### 6.2 Meeting Support

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

### 6.3 Agenda

At the end of each full board meeting, the agenda objectives for ~~each the next~~ meeting will be formulated by the Board and DOE ~~at the end of each full board meeting~~. These objectives will be based on adopted priorities and will include any other matters to come before the Board, including periods set aside for public comment. The agenda will be approved by the DDFO and signed by the DDFO and Chair 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 seven 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 minutes will be approved and certified by the Chair prior to being filed as required by law (within 90 days). A copy of the filed minutes will be provided to each Board member in the next mailing.

## 6.5 Quorum

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

## 7. BOARD BUDGET

CAB budget considerations should include preparation of a budget proposal to DOE-ID on the DOE budget cycle. Initial budget assumptions will be made utilizing Board guidance. The draft budget and assumptions will be reviewed and approved by the full Board. The Board members involved in this function have the authority to make minor modifications to the approved budget, if necessary, in negotiation with DOE-ID; however, the final budget proposal is subject to Board ratification and acceptance by DOE.

## 8. COMMITTEES

The Board shall designate standing and ad hoc issue committees as needed. Standing committees shall be composed of at least three volunteer voting Board 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. 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 Board for review and comment prior to the Board meeting. It is the responsibility of Board members to review and be prepared to discuss, modify, reject, or accept the committee draft at the next scheduled meeting.

## 9. ISSUES

### 9.1 Issue Management

#### 9.1.1 Selection and Prioritization/Annual Work Plan

Issue selection and prioritization will be accomplished at least annually based on stakeholder, Board member, and Agency input and as requested by DOE-ID.

#### 9.1.2 Issue Development

The elements involved in issue development are as follows:

1. Determine what presentations are needed, if any, and develop a proposal for balanced presentations to adequately address the major points of the issue.

2. Develop a request for agenda time, which will allow for full Board orientation and discussion of the issue.
3. Draft a list of questions that will help focus group discussion on the major elements of the issue and the areas where recommendations and advice are desired.

### 10. AMENDMENTS

Amendments to the CAB Mission Statement, Objectives, Functions, Responsibilities, and Procedures will be made in accordance with the following:

1. Proposed amendments may be submitted by any member of the public, the Board, or one of the Agencies to the cognizant committee.
2. The cognizant committee will consider the amendment and forward its recommendation and justification to the entire Board.

3. Approval of the proposed amendment by the entire Board.

3.4. Submittal of the ~~modified procedures~~ proposed amendment to DOE-ID for approval.

### 11. REFERENCES

There are statutory and regulatory requirements that must be met as the CAB carries out its activity. These include: [add statement from Shannon]

- The Federal Advisory Committee Act (FACA), U.S.C. App. 2.
- Implementing Regulations 41 CFR subpart 101-6.10.
- 41 CFR 102
- DOE Manual 510.1-1.