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Portsmouth EM Site  
Specific Advisory Board

# OPERATING PROCEDURES

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## Environmental Management

### Site Specific Advisory Board

#### OPERATING PROCEDURES

#### I. MISSION

The mission of the Environmental Management Site Specific Advisory Board at the Portsmouth Gaseous Diffusion Plant (the Board) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural community of Piketon, Ohio and other nearby communities, the Office of Environmental Management (EM), and the Portsmouth/Paducah Project Office. The Board is chartered under the EM Site Specific Advisory Board Charter. At the request of the Assistant Secretary or the Portsmouth/Paducah Project Office Manager, the Board may provide advice and recommendations concerning the following EM site-specific issues: clean-up 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 clean-up 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 and ongoing community access to information (and its interpretation and implications) and dialogue that improves the quality of the decision-making process of EM and the Portsmouth/Paducah Project Office.

#### II. FUNCTIONS, SCOPE, AND ACCOUNTABILITY

**A. Functions:** At the specific request of EM, the Board will provide independent advice and recommendations to the Assistant Secretary for Environmental Management or the Manager of the Lexington Field Office. The Board will provide advice and recommendations in response to charges issued by EM or the Field Manager.

**B. Scope:** The scope of the Board includes:

1. The opportunity for the Board to discuss with EM their proposals and plans for such matters as EM facility expansions and closings, environmental projects, and the impact of environmental regulations;
2. Any aspects of EM issues related to clean-up 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 clean-up science and technology activities.

**C. Accountability:** The Board interacts with the appropriate EM decision makers to provide advice on matters within its scope, on behalf of the citizens of Piketon, Ohio and other nearby communities.

1. 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.
2. Board members may request access to independent technical advice, staff, and training.
3. The Board will develop specific operating procedures and undergo requisite training to ensure that all members will hear a wide-range of views and use constructive methods for resolving conflict, making decisions, and dealing with the differing viewpoints.
4. The Board will always remain accountable to the public and EM, and seek to promote full community involvement.
5. In compliance with FACA, Board meetings will be open to the public and the Board will give advance notice of a minimum of 15 days. Board meetings will be held at regular times in public locations to encourage maximum public and Board participation.
6. 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.
7. Board members will send (*through Board Chair and Vice Chair*) all requests (*for documents, reports and other similar information*) to the EM Deputy Designated Federal Officer to ensure a prompt response. The Deputy Designated Federal Officer is responsible for tracking DOE responses to requests from the Board and ensuring to completeness of those responses.
8. The Board and similar boards at other DOE sites are jointly chartered as the Environmental Management Site-Specific Advisory Board under the Federal Advisory Committee Act. The Board is thereby subject to the requirements of the Environmental Management Site-Specific Advisory Board Charter, the Federal Advisory Committee Act (5 USC Appendix), and Federal Advisory Committee Management requirements (41 CFR 101-6).

### III. MEMBERSHIP

**A. Pursuant to delegated authority, the Assistant Secretary for Environmental Management is authorized to appoint and remove EM SSAB members.**

**B. Terms of Office:** The Board membership is on a rotation schedule that will encourage new individuals to participate and will maintain a balance between continuity and diversity inherent in the makeup of the Board.

1. Terms of office will be two years.
2. Members may serve three terms for a total of six years.
3. If after significant recruitment efforts, it is found that the member pool is limited, a request for an exception from terms limits may be made by the affected Field Manager to the Assistant Secretary

**C. Vacancies:** As soon as a vacancy exists following completion of a Board members' term, resignation, or removal, Board members or members from the community at large may nominate someone or themselves to fill the vacancy. Nominees should meet, as far as possible, the Board's existing stakeholder balance, diversity, and geographical distribution. The DDFO shall interview nominees and forward recommendations to the Office of Environmental Management in DOE Headquarters for approval. When a vacancy exists due to resignation or removal of a Board member, the vacancy shall be filled by interim appointment for the remainder of the unexpired term in accordance with the DOE-EM Site Specific Advisory Board Guidance.

1. A vacancy may occur by completion of a Site-Specific Advisory Board's (Board) member term, resignation, removal or other circumstances such as illness.
2. As soon as a vacancy exists, the DDFO may advertise the need for applicants if a sufficient pool of applicants is not available.
3. SSAB members may also nominate possible applicants.
4. Nominees should meet, as far as possible, the Board's existing stakeholder balance, diversity, and geographical distribution.
5. All applicants shall submit an approved DOE application form with sufficient information.
6. The DDFO shall screen applications and interview applicants, if necessary, to establish the applicant pool.
7. The DDFO shall select from the applicant pool the person(s) necessary to fill the vacancies and forward the recommendations to the Office of Environmental Management in DOE Headquarters for approval.
8. When a vacancy exists due to resignation, removal, illness, or death, the DDFO may fill the position with an interim appointment for the remainder of the unexpired term. In accordance with the DOE-EM Site Specific Advisory Board

Guidance, the DDFO may site appoint 20% of the membership during the calendar year.

9. Efforts should be made to stagger appointments so that all term completions will not have to be filled at the same time.

10. All procedures for filling SSAB vacancies shall be in accordance with the latest "U.S. Department of Energy Environmental Management Site-Specific Advisory Board Guidance."

#### IV. MEMBERSHIP RESPONSIBILITIES

**A. Board Commitments:** Board members make the following commitments:

1. To attend regular meetings and receive training, (*members missing three consecutive Board or Committee meetings or having three unexcused absences in a given calendar year are subject to removal from the Board*)
2. To review and comment on EM and other documents within their purview that come before the Board, and submit timely recommendations to EM;
3. To be available for Committee work between Board meetings, and to participate fully in the affairs of the Board;
4. To work collaboratively and respectfully with other Board members and liaisons in the best interests of both the Board and the public;
5. To represent accurately all matters before the Board.
6. To handle in a responsible manner information and materials provided by the agencies, particularly drafts developed for an agency's in-house use, that might have significant future revisions as part of the agency's working practices;
7. To share any written communication about or for Board activities with the Board as a whole and with the DDFO;
8. To act for the Board or as its representative only with the majority vote of the Board.
9. To serve on at least one Committee or Task Force during any given six month period as appointed by the Chair and Vice Chair and confirmed by majority vote of the Board.
10. To abide by the terms and conditions of the EM SSAB Charter and these operating procedures.

***B. Liaisons Commitments:*** The Board requests that liaisons make the following commitments:

1. To define and communicate clearly to the Board the respective decision-making processes of the agencies they represent;
2. To provide timely access to information pertinent to EM and associated environmental issues and related decision making;
3. To inform the Board in a timely and proactive manner of agency processes, programs, projects, and activities pertinent to the Board's mission and purpose.

## V. BOARD STRUCTURE

***A. Chair and Vice-Chair:*** The Board will elect by majority vote, *Chair and Vice-Chair*, who will ensure that a diversity of viewpoints are considered in all Board discussions. *The Chair and Vice-Chair* will support the Board in a balanced and unbiased manner, irrespective of any personal views on a particular issue and see that all Board members have the opportunity to express their views.

1. The election for Chair and Vice Chair will be held before September 30<sup>th</sup> of each year. The terms of the Chair and Vice Chair will be one year beginning October 1<sup>st</sup>.
2. The Chair and Vice Chair will serve as liaison with the DDFO and Federal Coordinator, assisting in the preparation of the agendas, minutes of the meetings, and other necessary arrangements.
3. The Chair and Vice Chair certify to the accuracy of all minutes.
4. The Chair and Vice Chair sign the certification of a recommendation that the Board has passed by consensus/majority. If consensus/majority is not reached, the Chair and Vice Chair may refer the matter back to a committee or sign and send to DOE the majority and minority reports.
5. The Chair and Vice Chair assure necessary administrative support for the committees and/or task forces, and requests DOE support through the DDFO.
6. The Chair and Vice Chair shall recommend appointment of members of committees and/or task forces (upon confirmation of the Board) to the DDFO and ensure that the membership of the committees and task forces reflects the diversity of the Board to the extent practicable.

7. The Chair and Vice Chair serve between regular meetings of the Board as contact for EM, interest groups, and the general public.
8. The Chair and Vice Chair will have other duties as assigned by the Board.
9. The Vice-Chair serves as Chair in the absence or incapacity of the Chair.

**B. Committees:** The Board will establish its Committees prior to the beginning of each fiscal year to reflect the Board's approved work plan for that year. Each Committee so established will submit before October 1<sup>st</sup> an annual work plan for approval by the Board and DOE.

**C. Other Committees and Task Forces:** The Board may establish ad hoc committees or task forces as it deems necessary.

**D. Structures of Committees, Ad-hoc Committees, and Task Forces:**

1. Membership on Committees will be on a volunteer basis, and Board members must serve on at least one Committee.
2. Committees may not directly submit recommendations to EM. They are solely responsible for producing draft proposals or information for the full Board. Before presenting a recommendation to the Board, the Committee, while striving to reach consensus, should have passed the recommendations by a 2/3 majority. If consensus or a 2/3 majority cannot be reached, a majority and a minority report(s) may be written. These reports may be submitted to the full Board, but must be clearly marked as representing two (or more) points of view.
3. The Committees will meet independently of the Board. If the meetings of the Committee are open to the public, they must hold them in public locations after appropriate notice.
4. If a written summary of the Committee meetings is prepared, the chair of the Committee will provide it to the Board.
5. Election of the Chair for the Committees will occur annually, or as necessitated by vacancies. Standing committees may, at their discretion, internally select, elect, appoint, or remove committee Chair or Vice-Chair (either title bearing the same intended meaning), from among only the properly appointed Board members of the committee. Vice-Chairs shall serve and act in the temporary absence of the duly elected committee chairperson.

6. Committee chairs shall notify a Board Chair or Vice Chair and the DDFO of the selection, election, appointment, or removal of any standing committee Chair or Vice-Chair.

7. Non-Board members shall not be allowed to vote in Committee leadership positions. Any Non-Board member may be removed by a majority vote of the SSAB.

8. Ad-hoc Committees and Task Forces shall be established by the Board for the purpose of investigating special topics. The charge to, Board membership of, and chair of the Ad-hoc Committees and Task Forces shall be established by the Board and approved by the DDFO. The Board shall establish the charge to, term of, and reporting requirements of each Ad-hoc Committee and Task Force.

9. Ad-hoc Committees and Task Forces shall be confirmed by the Chair and Vice Chair, upon recommendation of the chair of the respective Committee, Ad-hoc Committee, or Task Force. The DDFO shall concur in all recommendations for participation by non-Board members.

***E. Executive Committee.*** The Board has an Executive Committee consisting of the Board Chairs or Vice-Chairs of the various Standing Committees established during the fiscal year. The Executive Committee shall meet at least bimonthly and may hold other meetings at the call of either of the Board Chair and Vice Chair to consider matters of importance that may require immediate resolution. The DDFO and the Federal Coordinator shall serve as non-voting members of the Executive Committee.

1. During the intervals between Board meetings, decisions involving the daily business operations of the Board (e.g., drafting agendas, coordinating committee requirements and activities, etc.) shall be made by majority vote of the Executive Committee. However, this committee shall have no authority to set Board policy or make any recommendations to EM.

2. Actions on routine general administrative matters requiring time-critical action by the Executive Committee may be handled by polling members of the Executive Committee through any quick means of communication. Decisions will be validated by the Board Chair and Vice Chair and documented in the minutes of the next regularly scheduled Board meeting.

3. The Executive Committee shall have no authority to act for the Board on any motion or recommendation that affects a decision made by the full Board. Any motion or recommendation affecting a decision of the Board shall be submitted by the Executive Committee to the Board for consideration at the next regularly scheduled Board meeting.

***F. Work Sessions:*** Work sessions are defined as meetings of the Board, including liaisons, at which official action may not be taken. They must, however, be formally advertised, to be in compliance with the Federal Advisory Committee Act.

***G. Executive Session (Closed Session):*** Upon approval of the Secretary of Energy, the Board shall announce fifteen days in advance of the meeting an Executive Session for matters concerning litigation or private personnel matters.

***H. Removal of Board Officers:*** An officer of the Board (Chair, or Standing Committee Chair, or Vice-Chair), may be removed from their office for misconduct or neglect of duty by a two-thirds (2/3) vote of the Board upon the recommendation of the Executive Committee, the recommendation of the DDFO, or a duly authorized motion tendered by a Board member at a regularly scheduled Board meeting.

***I. Replacement of Officers:***

1. A Board office vacancy (Chairs or Standing Committee Chair, or Vice-Chair) that comes into existence will be announced at a regularly scheduled Board Meeting.
2. An election by majority vote of the entire Board will be held at the next regularly scheduled Board meeting after the meeting at which the vacancy was announced. In the event of a removed, resigned, or abandoned vacancy in the Chair and Vice Chair, the term of office of any interim replacement election for the Chair and Vice Chair shall expire on September 30<sup>th</sup> and the regularly scheduled annual election shall be held as provided in Article V, Section A, Number 1.
3. If both the Chair and Vice Chair become vacant at or near the same time, then the Board shall, at the meeting at which the vacancy is announced, elect by majority vote Chair and Vice Chair to serve the Board until, and at, the next regularly scheduled Board meeting. To prevent delay in Board work, and in the absence of a timely interim election, the Executive Committee shall appoint subject to DDFO approval an Acting Chair and Vice Chair (if needed or desired), from among the voting members of the Executive Committee, to serve the Board until the next regularly scheduled Board meeting.

## **VI. DECISION MAKING**

***A. Quorum:*** A quorum of the Board consists of a majority of the members of the Board.

***B. Rules of Order:***

1. The current edition of "Robert's Rules of Order" governs the Board.
2. All decisions, other than decisions on recommendations and changes to the Operating Procedures, are made by majority vote of those members present and voting.
3. Changes to the Operating Procedures shall require a two-thirds majority of the Board membership and approval of the DDFO.

***C. Requirements for Recommendations to EM:***

1. While the Board will strive for consensus, recommendations shall be approved by a 2/3 majority at a Board meeting. If consensus or a 2/3 majority cannot be reached, a majority and a minority report(s) may be written. These reports may be submitted to EM, but must be clearly marked as representing two (or more) points of view.
2. When an issue comes before the Board, either Chair or Vice Chair may refer the issue to the appropriate Committee or create an Ad-hoc Committee or Task Force for that issue. The Committee, ad-hoc Committee or Task Force will report progress to the Board at the next meeting.
3. Recommendations to be considered by the Board shall be processed in the following manner:
  - a. The Board member, Committee, Ad-hoc Committee, or Task Force desiring to propose a recommendation to the Board shall send the draft recommendation to Board members by the most expedient method at least *seven (7) calendar days* prior to the next Board meeting. The draft recommendation shall be accompanied by a brief statement of the issue to be considered, the background of the issue as it affects the Portsmouth Gaseous Diffusion Plant and surrounding counties, and the purpose and effect of the recommendation.
  - b. Board members shall provide comments on the draft recommendation within seven (7) calendar days of receipt of the draft recommendation.

- c. The Board member, Committee, Ad-hoc Committee, or Task Force proposing the recommendation shall endeavor to resolve comments prior to the next Board meeting, and shall present a revised draft recommendation to the Board at the next Board meeting.
  - d. The Board shall consider and may approve the recommendation at the next Board meeting.
4. Upon passage by the Board, all recommendations will be signed by the Chair and Vice Chair and conveyed to EM in writing within fifteen (15) calendar days.
  5. The Board requests that EM provide timely response to the Board recommendations and explain the basis for EM's decision and how it will implement any recommendations that are accepted.
  6. Consideration of recommendations from other Boards or the EM SSAB Chairs will be handled in the manner described above.

***D. Administrative Decision Making:***

1. Administrative functions of the Board may be delegated to Chair and Vice Chair
2. If the Board finds need to review or affirm specific decisions made under the authority delegated to the Chair and Vice Chair such affirmation will be expressed by a majority vote of the Board at the next meeting.

**VII. ROLE OF THE FACILITATOR**

A professional facilitator may be hired to help the Board organize its work, encourage discussion involving varied and diverse viewpoints, foster the development and discussion of advice and recommendations, and aid the Board in finding common ground on matters of decision.

**VIII. CONDUCT AND FORMAT OF MEETINGS**

***A. Meeting Format:***

1. Public notices will be printed in the Federal Register at least fifteen (15) days before the meeting. Announcements may be made on the radio and in local newspapers.
2. The Board will meet as needed, with the length of meetings determined by the agenda;

3. The Board will submit its agenda for the approval of the DDFO. In preparing the agenda, the Board reviews its work plan and, if appropriate, obtains additional input from its members and committees and the public;
4. 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 and Vice Chair or by consensus of the Board members in attendance.
  - b. At the discretion of the Chair and Vice Chair, time will be allotted for public comment among the members of the public requesting to speak.
  - c. Before a decision on a recommendation is made, the Chair and Vice 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. All written comments from the public will be included in the record of the public meeting and forwarded by the DDFO to the full Board for their consideration.
  - e. Time will be set aside for Board member comments during each meeting.
5. Any meeting will be set up in terms of both the physical arrangements and the agenda to facilitate hearing and discussion;
6. Minutes of the meetings will be kept by an individual designated by the Chair and Vice Chair, distributed to the Board members for their review, and made available to the public. Each meeting agenda will include the opportunity for members to make revisions to the minutes of the previous meetings;
7. Any product of the Board such as policies, positions, reports, advice, or recommendations given to DOE must be reviewed by the Board in final distribution form before distribution and being placed in the DOE public reading rooms and any other places deemed appropriate.

***B. Conduct of Meetings:***

1. The Board may utilize a neutral third party facilitator to assist it in accomplishing its mission; in all instances the facilitator will operate in a completely neutral, balanced, and fair manner;
2. Board members will show respect to each other, EM, liaisons, and the public.

**IX. BUDGET**

***A. Authority:*** The Board will provide a proposal to the DDFO. Funding amounts will be determined annually based on the Board's approved work plan and availability of funds. The DDFO retains the fiscal responsibility for the Board.

***B. Compensation:*** Board members will serve without compensation but may receive reimbursement for direct expenses related to the work of the Board and meeting attendance.

***C. Travel Expense:*** Board, committee, and task force members are required to follow applicable federal travel regulations. All travel expenses must be submitted to the DDFO for reimbursement according to Federal guidelines.

**X. CONFLICT OF INTEREST**

***A. Definition:*** Board members are prohibited from personally and substantially participating as a Board member in any particular matter in which the Board member or the Board member's spouse, minor child, general partner, or employee has a financial interest. This restriction also applies if the Board member is negotiating or has any arrangement concerning prospective employment with any person or organization that has a financial interest in any particular matter before the Board.

***B. 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.

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

***D. Principles of Conduct:*** Board members shall abide by the following conflict of interest principles:

1. Members shall refrain from any use of their membership, which is or gives the appearance of being motivated, by the desire for private gain;
2. Members shall not use, either directly or indirectly for private gain, any inside information obtained as a result of Board or Committee service;
3. Members shall not use their positions in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom the member has family, business, or financial ties;
4. Members shall not knowingly receive or solicit from persons having business with the DOE anything of value as a gift, gratuity, loan, or favor while serving on the Board or in connection with such service.

a. **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.

## **XI. AMENDING THE OPERATING PROCEDURES**

### **A. Policy**

The Board shall have the power to alter, amend, and repeal these operating procedures in ways consistent with the Amended Charter of the Environmental Management Site-Specific Advisory Board, and other applicable laws, regulations and guidelines. Any member of the public, the Board, or EM may propose an amendment. However, to be considered by this Board the proposed amendment must be sponsored by a Board member. The Board may consider and take action on the amendment to the operating procedures at the meeting following the introduction of the proposed amendment. Amendments require the affirmative vote of two-thirds majority of the membership of the Board.

**All amendments to these operating procedures must be approved by the DFO at HQ in consultation with the Office of General Counsel.**

***B. Absentee Voting for Amending the Operating Procedures***

- 1). A vote to amend these operating procedures may be cast by a Board Member by Absentee Ballot at any regularly scheduled meeting of the Board at which a vote to amend these operating procedures is an agenda item.
- 2). Each Board member shall be entitled to vote in person or by an absentee ballot duly submitted in writing, or by electronic means, signed or electronically annotated and dated by such member. The staff shall prepare and make available on request suitable absentee ballots for use in voting on amendments.
- 3). To be valid, an absentee ballot shall be executed by the Board Member (see 2. above) and submitted to the Boards' offices, Executive Director, or Chair and Vice Chair not later than 12:00 noon on the day prior to the date of the regularly scheduled Board meeting at which the vote is an agenda item.
- 4). In the event an absentee ballot cannot be properly filed and a two-thirds quorum is not possible, then absentee members may be contacted to participate by teleconference, provided that all similarly constrained absent members are given the same opportunity.

***C. Absentee Voting Prohibition. Except as provided in Section XII.B. above, nothing in this section shall be construed to permit or authorize absentee voting by any Board member on any other Board or committee action.***

**XII. ADOPTION OF THE OPERATING PROCEDURES**

These operating procedures will be effective:

- Following the introduction of the proposed Operating Procedures and any proposed amendments at the first public meeting, a discussion and vote of the Board shall be held at the next public meeting,
- upon the affirmative vote of a two-third majority of the Board membership,
- execution by the Chair and Vice Chair,
- **review and approval by the DOE Office of General Counsel, and**
- **approval of the EM SSAB DFO,**

All previous procedures are hereby rescinded.

### **XIII. SUBORDINATION AND SEVERABILITY OF THE OPERATING PROCEDURES**

If a conflict arises with respect to any provision of these operating procedures and federal statutes, the laws of the state of Ohio, or federal or state regulatory authority, then the superseding law or regulation shall control. In the event that any provision of these operating procedures is invalid, such invalidity shall not affect the remaining provisions that shall continue in full force and effect.

APPROVED as AMENDED on:

Amendment No. 1,