

# Nevada Site Specific Advisory Board

## Environmental Management Site-Specific Advisory Board

### OPERATING PROCEDURES

#### I. MISSION

The mission of the Nevada Site Specific Advisory Board (the Board or NSSAB) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of Nevada, U.S. Department of Energy (DOE) Environmental Management (EM), and the DOE Nevada Site Office (NSO).

#### II. CHARTER

The Board is chartered under the EM Site-Specific Advisory Board Federal Charter. At the request of the Assistant Secretary or the NSO Assistant Manager for Environmental Management, the Board may provide advice and recommendations concerning EM site-specific issues.

#### III. 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 NSO EM personnel. The Board will provide advice and recommendations in response to requests issued by EM.

**B. Scope:** The scope of the Board's duties 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.
3. 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.

**C. Accountability:** The Board interacts with the appropriate EM decision makers and NSSAB Liaisons to provide advice on matters it is charged with, on behalf of the citizens of Nevada.

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 conduct business according to these specific operating procedures and undergo requisite training (any training necessary for participation in NSSAB activities, including Orientation) to ensure 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 diverse community involvement. The Board will develop culturally appropriate procedures to invite public participation in EM's decision-making processes.
5. In compliance with the DOE Federal Advisory Committee Act (FACA), Board meetings will be open to the public. Meetings of the Full Board will be published in the Federal Register to provide a minimum of 15-days advance notice. In addition, notification of any committee meetings (including ad-hoc), work groups, and any other NSSAB-sponsored function will be posted on the NSSAB website ([www.nv.doe.gov/nnsab](http://www.nv.doe.gov/nnsab)) no later than five days in advance of the activity to ensure stakeholder awareness. Board meetings will be held at regular times in publicly accessible locations to encourage maximum public and Board participation.
6. The Board is part of the Environmental Management Site-Specific Advisory Board chartered pursuant to 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).

#### **IV. MEMBERSHIP**

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

1. The standard term for Board members is two years, and members are to serve no more than three two-year terms for a total of six years. In areas where the member pool is limited, a request for an exception may be made by the Assistant Manager for Environmental Management to the Assistant Secretary.
2. In addition, membership appointments are usually staggered so that at least one-third of the Board is retained for continuity.
3. Board membership shall reflect a full diversity of viewpoints in the affected community and region and will strive to be composed primarily of people who are directly affected by DOE site clean-up activities.

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; and other interested individuals.
5. Selection and nomination of Board members shall be accomplished using procedures designed to ensure a diverse Board membership and a balance of representative viewpoints.
6. The Board will typically consist of 10 to 20 members. Total membership may fluctuate during recruitment activity periods due to transition and orientation time for incoming/outgoing members.
7. Members serve at the pleasure of the Assistant Secretary. The Assistant Secretary is authorized to appoint and remove members at any time.
8. The Assistant Secretary or Assistant Manager for Environmental Management may request that other federal, state, local entities or tribal organizations name liaisons to the local Boards to provide information and represent their agency's interests at local Board meetings. These liaisons may participate in discussions but shall have no vote and shall not be included in the quorum count.

**B. Vacancies:** The Board may recommend to the Deputy Designated Federal Official (DDFO) individuals to fill vacancies on the Board and may participate in interviews as requested by the DDFO. The DDFO shall interview nominees and forward recommendations, as appropriate, to the Assistant Manager for Environmental Management. After review and approval, the Assistant Manager will formally propose the slate of members to the Office of Environmental Management at DOE Headquarters.

## **V. MEMBERSHIP RESPONSIBILITIES**

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

1. To attend regular meetings and receive training, as necessary;
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 all 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 abide by the terms and conditions of the EM SSAB Charter and these operating procedures;
10. Any member who fails to attend two (2) full board meetings without an excused absence, or does not attend a minimum of 50% of the regularly scheduled meetings in any one-year period (regardless of excused or unexcused status), may be removed from the Board. An absence is excused if notice is provided to the NSSAB administrative support personnel prior to the scheduled meeting. This notice of absence must be provided each month that an excused absence is needed. A member must attend at least two-thirds of any meeting in order to be considered present for that meeting.

**B. Liaison 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 entities 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 entity processes, programs, projects, and activities pertinent to the Board's mission and purpose;
4. Full Board Reports
  - a) Provide a short, verbal report on entity's EM activity at each Full Board meeting
  - b) If liaison is unable to attend the Full Board meeting, a written report will be submitted to the NSSAB Administrator via email two days prior to the Full Board meeting

## **VI. BOARD STRUCTURE**

**A. Chair and Vice Chair:** The Board will elect by majority vote, a Chair and Vice Chair, who will ensure that a diversity of viewpoints are considered in all Board discussions. The 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 of each year. The terms of the Chair and Vice Chair will be one year beginning October 1.
2. The Chair certifies to the accuracy of all Board minutes within 45 days.

3. The Chair signs Board recommendations passed by consensus/majority. If consensus/majority is not reached, the Chair may refer the matter back to a committee or sign and send to DOE both the majority and minority reports.
4. The Chair serves between regular meetings of the Board as contact for EM, interest groups, and the general public.
5. The Vice Chair serves as Chair in the absence or incapacity of the Chair.
6. The Chair and Vice Chair will have other duties, consistent with applicable statutes, regulations, charters, and operating procedures, as assigned by the Board.
7. In the absence of the Chair and Vice Chair, the immediate past Chair, if that person still serves on the Board, shall serve as Chair of the board meeting. In the absence of the immediate past Chair, the immediate past Vice Chair, if that person still serves on the Board, shall serve as Chair of the Board meeting. If none of these persons is present, those Board members present shall select, with the approval of the DDFO, a chair for the meeting.

**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. The Board may establish additional Committees as necessary throughout the fiscal year to address changes or adjustments to the approved work plan for that year.

**C. Structure of Committees:**

1. Membership on committees will be on a volunteer basis.
2. Committees shall be made up of at least four Board members. Non-Board members may serve on committees with the concurrence of the DDFO. Non-Board and liaison committee members may vote in committee when Board members constitute the majority in attendance.
3. Leadership positions may only be held by Board members.
4. Liaisons will not constitute a majority of the committee.
5. Committees will meet independently of the Board.
6. Committees may not directly submit recommendations to EM. They are solely responsible for producing draft proposals, recommendations, or information for the full Board. Before presenting a recommendation to the Board, the committee should have passed the recommendation by majority vote of the members attending the meeting.
7. Committee Chairs will be elected by majority vote of the committee at the beginning of each fiscal year, or as necessitated by vacancies. Committees may, at their discretion, internally select, elect, appoint, or remove committee Co-Chair or Vice-Chair (either title bearing the same intended meaning), from among only the properly appointed Board members of the committee. Co-Chairs or Vice-Chairs shall serve and act in the temporary absence of the committee Chair.

8. Committee Chairs shall notify the Board Chair and the DDFO of the selection, election, appointment, or removal of any committee Co-Chair or Vice-Chair.

**D. Work Sessions:** Work sessions are defined as meetings of the Board at which no official action or decision may be taken.

**E. Closed Session:** In general, all full board meetings must be open to the public and noticed in the Federal Register; exceptions are solely administrative discussions, issues that might relate to individual privacy (such as actions on individual board members) or meetings that are solely for research/education related to upcoming open meetings.

**F. Removal of Board Officers:** An officer of the Board (Chair, Vice Chair, or Committee Chair, Vice-Chair or Co-Chair), may be removed from their office for misconduct or neglect of duty by a two-thirds (2/3) vote of the Board. Recommendation for removal can be made by the DDFO, or as a duly authorized motion tendered by a Board member at a regularly scheduled Board meeting.

### **G. Replacement of Officers**

1. A Board office vacancy (Chair, 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 or Vice-Chair, the term of office of any interim replacement for the Chair or Vice Chair shall expire on September 30 and the regularly scheduled annual election shall be held as provided in Section VI.A.1.

3. If both the Chair and Vice-Chair become vacant at or near the same time, the Board shall elect, by majority vote, a Chair and Vice-Chair at the meeting at which the vacancy is announced, to serve the remainder of the term. To prevent delay in Board work, and in the absence of a timely interim election, the longest standing member will be appointed Acting Chair until a formal vote can be conducted

## **VII. DECISION MAKING**

**A. Quorum:** A quorum of the Board consists of a majority (51%) of the voting 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 changes to the Operating Procedures (Section XIV) and administrative decisions, are made at valid full Board meetings (see Section IX.A.2) by a majority vote of those members present and voting.

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

1. Recommendations shall be approved by consensus/majority at a Board meeting; if consensus cannot be reached, a majority and a minority report(s) shall 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, the Chair may refer the issue to the appropriate Committee or create an Ad-hoc Committee for that issue. The Committee or Ad-hoc Committee 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) Full Board (Committee of the Whole): Information and diverse perspectives are discussed and exchanged by the full Board. In the process, the Board may request comment from outside technical experts, DOE staff, environmental groups, academia, and representatives from other public agencies, or other stakeholders. At least 15 minutes will be allowed for public comment at each meeting of the board and will take place, whenever possible, before board action on a recommendation. Recommendations are then prepared and voted on by the full Board as a Committee of the Whole. In the event consensus is not achieved, minority position(s) will be presented at the meeting and/or a position paper may be included.
  - b) Committees: Meetings are held, information and perspectives are discussed and exchanged, and draft recommendations are prepared and approved for review by the full Board. In the process, the Committee may hear from outside technical experts, DOE staff, environmental groups, academia, and representatives from other public agencies, or other stakeholders. In the event consensus is not achieved, a minority position paper may be included with the Committee recommendation. Committee recommendations are presented by the Committee Chairperson or designated committee member to the full Board for further action and consideration as a formal NSSAB recommendation, if appropriate, to EM.
4. Upon passage by the Board, all recommendations will be signed by the Chair and conveyed to EM in writing within fifteen (15) calendar days.
5. The Board requests EM provide timely response to Board recommendations and explain the basis for EM's decision and implementation of accepted recommendations.
6. Consideration of recommendations from other EM SSABs or conferences will be handled by the full board in open meetings in the manner described above.

### **D. Electronic Voting**

Electronic voting may be used for solely administrative matters.

## **E. Administrative Decision Making:**

1. Administrative functions of the Board may be delegated to the Chair.
2. Administrative functions of the Board refer only to functions related to self-governance as allowed by the agency, such as board conduct and agenda and meeting preparation.

## **VIII. ROLE OF THE FACILITATOR**

A professional facilitator may be hired with the concurrence of the DDFO to help the Board organize its work, prepare an agenda based on consultations with the Board and the Chair, facilitate the Board meetings, and work with the staff to prepare the minutes of the meetings.

## **IX. FORMAT AND CONDUCT OF MEETINGS**

### **A. Meeting Format:**

1. Public notices will be printed in the Federal Register at least fifteen (15) days before full Board meetings. Announcements may be made via radio, television, local newspapers, or the NSSAB website.
2. A quorum of voting Board members is required to constitute a valid meeting.
3. The Board will meet as needed, with the length of meetings determined by the agenda.
4. The Chair, DDFO and support staff will develop draft agendas, meeting minutes and other required/requested services. Meeting agendas must be approved by the DDFO.
5. 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. Per DOE policy, a minimum of 15 minutes must be provided for public comment at each open meeting of the Board.
  - a) There will be a fixed agenda item 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 DDFO, Chair or by consensus of the Board members in attendance.
  - b) If required, at the discretion of the DDFO, the fixed time may be divided equally among the members of the public who request to speak.
  - c) In addition to the public comment period, the Chair may invite members of the public to offer their input before a decision on a recommendation is made. The Board will determine in advance how much time they will allocate for such additional public input.

d) Members of the public may offer their comments in writing and give them to the DDFO. They will be attached to meeting minutes.

e) Time will be set aside for Board member comments during each meeting.

6. Any meeting will be set up in terms of both the physical arrangements and the agenda to facilitate hearing and discussion.

7. Minutes of the meetings will be kept by support staff, distributed to the Board/Committee members for their review and made available to the public.

a) The Chair and DDFO must certify the accuracy of the Board minutes within 45 calendar days of the meeting to which they relate. In the absence of the Chair, the Vice-Chair must make such certification.

b) Committee minutes must be certified by the Committee Chair within 30 days of the meeting to which they relate.

8. Any product of the Board such as policies, positions, reports, advice or recommendations given to DOE must be reviewed by the Board before distribution.

9. 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;

10. Board members will show respect to each other, EM, liaisons, and the public.

## **X. TRAVEL**

The NSSAB Chair, Vice-Chair or designee is expected to attend national Site-Specific Advisory Board meetings and/or workshops. Any additional slots available (as determined by the DDFO) shall be offered to a member whose work is most closely related to the meeting topic.

A travel report shall be given to the Board at the next full Board meeting following completion of travel.

## **XI. BUDGET**

**A. Authority:** 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 members are required to follow applicable federal travel regulations. All travel expenses must be submitted to the appropriate support staff responsible for travel reimbursement according to federal guidelines.

1. Travel to out-of-town meetings (other than those at which the Chair is expected to attend) shall be offered to those NSSAB members (as determined by the DDFO) who are specifically engaged in topics pertinent to the meeting subject.
2. Travel for “official” NSSAB business is conducted under U.S. Government travel order procedures and rules. Thus, certain hotel rates, airline, car rental, and per diem expense restrictions will apply. Travel costs will be reimbursed according to U.S. Government Joint Travel Regulations.
3. Requests for travel shall be submitted to the NSSAB office in writing or via email. Board members must submit receipts for lodging, transportation (or actual mileage for personal vehicle), and incidental expenses to the appropriate support staff person within 10 days of completion of travel.

## **XII. EVALUATION**

The Board shall contact the DDFO or the DDFO’s designee should it require administrative support during the preparation of the annual fiscal-year evaluation to assess how adequately it is representing stakeholder interests and completing work plans for review of the Board. The Board may also evaluate the responsiveness of EM. After Board review, discussion, and approval, but no later than October 15, the report will be submitted to the DDFO.

## **XIII. 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, organization in which he or she is serving as an officer, director, trustee, 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, as required.

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

**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 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;

(1) The gift is motivated by a family relationship or personal friendship rather than a member's position; and

(2) 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; relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pay for the gift.

#### **XIV. 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.

1. Any member of the Board, the Designated Federal Official (DFO), or the public may propose an amendment to the operating procedures. However, an amendment proposed by a member of the public must be sponsored by a Board member.
2. The Board may consider and take action on the amendment to the operating procedures 30 days after notice of proposed amendment.
3. Voting will be conducted by electronic ballot, duly submitted by electronic means, annotated and dated by the member.
4. Amendments require the affirmative vote of two-thirds majority of the membership of the Board.
5. All amendments to these operating procedures must have concurrence of the DFO in consultation with the Office of General Counsel.

## **XV. ADOPTION OF THE OPERATING PROCEDURES**

These operating procedures will be effective:

- upon the affirmative vote of a two-third majority of the Board membership
- execution by the Chair
- review and concurrence by the DOE Office of General Counsel
- approval of the EM SSAB DFO

All previous bylaws or procedures are hereby rescinded.

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

If a conflict arises with respect to any provision of these Operating Procedures, Federal law or regulation, DOE FACA Manual, and/or the EM SSAB Guidance 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.