

Environmental Management Site-Specific Advisory Board

Nevada Site Specific Advisory Board By-laws

The following By-Laws will govern the operations of the Nevada Site Specific Advisory Board, hereinafter referred to as the NSSAB, a local chapter of the Environmental Management Site-Specific Advisory Board (EM SSAB).

ARTICLE I-MISSION

The mission of the EM SSAB is to provide the Assistant Secretary for Environmental Management (EM), the appropriate Department of Energy (DOE) Field Managers or Assistant Managers for EM activities, and any other DOE official the Assistant Secretary designates with advice and recommendations concerning site specific issues.

The mission of the NSSAB is to provide meaningful advice and recommendations to the Assistant Secretary for EM and the Assistant Manager for EM for the Nevada Field Office.

A DOE employee, appointed in accordance with agency procedures, will serve as Designated Federal Officer (DFO) of the EM SSAB. The DFO delegates the functions related to the management of the NSSAB to a site-specific Deputy Designated Federal Officer (DDFO).

ARTICLE II-AUTHORITY

The NSSAB is part of the EM SSAB, which is chartered pursuant to the Federal Advisory Committee Act (FACA), as amended 5 U.S.C., App. 2. The NSSAB is subject to the requirements of FACA, the General Services Administration (GSA) implementing regulations (41 CFR Part 102-3), the DOE Manual entitled *Advisory Committee Management Program* (DOE M 515.1-1), the EM SSAB Charter, and the EM SSAB Policy and Procedures Desk Reference.

ARTICLE III-SCOPE and ACCOUNTABILITY

Section 1: Scope

The scope of the EM SSAB and by extension, the NSSAB, includes:

- A. The opportunity to discuss with EM its proposals and plans for facility expansions and closings, environmental projects, and impacts of environmental regulations;
- B. Any aspect of EM's issues relating to 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; and

- C. Any issue that EM asks the EM SSAB to provide advice and recommendations on an EM project or issue.

Section 2: Accountability

The NSSAB interacts with the appropriate EM decision makers to provide advice on matters within its scope, representing diverse views as citizens of communities surrounding and impacted by Nevada National Security Site.

- A. 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 listen.
- B. Board members may request access to independent technical advice and training.
- C. Board members will conduct business according to these specific operating procedures and will undergo requisite training (any training necessary for participation in NSSAB activities, including Orientation) to ensure that all members are aware of FACA and NSSAB procedures, hear a wide range of view, and use constructive methods for resolving conflict, making decisions, and working with differing viewpoints.
- D. In compliance with FACA, full Board meetings will be open to the public, held in publicly accessible locations, and noticed publicly in the Federal Register and other media.
- E. The Board will submit all recommendations to DOE EM management through the DDFO.
- F. The Board may provide advice to EM to encourage that diverse interests and stakeholders continue to be adequately and equitably represented.
- G. The Board will always remain accountable to EM.

ARTICLE IV-BOARD MEMBERSHIP

Section 1: Member Appointment and Reappointment

Pursuant to delegated authority, the Assistant Secretary for EM is authorized to appoint and remove EM SSAB members at any time.

Membership Appointment and Reappointment is outlined in detail in the EM SSAB Charter.

The NSSAB will typically consist of between 10-20 members. Total membership may fluctuate during recruitment activity periods due to transition and orientation time for incoming/outgoing members.

Membership appointments are usually staggered so that at least one-third of the Board is retained for continuity.

Section 2: Membership Balance

Board membership shall reflect diversity of viewpoints in the affected community and region, and will strive to be composed of people whose communities are directly affected by DOE site clean-up activities.

Section 3: Membership Commitments

NSSAB members make the following commitments:

- A. To regularly attend meetings. Any member who fails to attend two (2) regular 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 result in removal from the Board;
 - i. An absence is excused if notice is provided to the administrative support personnel prior to the scheduled meeting.
 - ii. The notice of absence must be provided for each individual absence.
 - iii. In cases of chronic absenteeism, whether excused or unexcused, the DDFO will contact the member prior to the next board meeting to determine the member's circumstances.
 - iv. A member must attend at least two-thirds of any meeting to be considered present for that meeting.
- B. To review and comment on EM issues and documents within their scope, and to submit timely recommendations to EM;
- C. To be available for subcommittee work between Board meetings, and to participate fully in the affairs of the Board;
- D. To work collaboratively and respectfully with other Board members and liaisons;
- E. To represent accurately all matters before the Board;
- F. To act as a representative of the Board only when appointed to do so by the DDFO;

- G. To recuse from participating in any meeting, study, recommendation, or other Board activity that would have a direct and predictable effect on the companies, organizations, agencies, or other entities with whom the Board member or a member of the Board member's family is associated or in which the Board member has a financial interest.
- H. To abide by the terms and conditions of the EM SSAB Charter, FACA, the DOE Advisory Committee Management Manual, and all governing documents, as well as these By-laws.

ARTICLE V-LIAISONS

The Assistant Secretary for EM or the Assistant Manager for EM for the Nevada Field Office may request that other Federal, state, local entities, or Tribal governments or organizations name liaisons to the local Board to provide information and represent their organization's interests at local Board meetings.

Liaisons are not members of the Board; they may participate in substantive and procedural Board deliberations, but they may not vote and shall not be included in the quorum count.

Section 1: Liaison Commitments:

The Board requests that liaisons make the following commitments:

- A. To define and communicate clearly to the Board the respective decision making processes of the organizations they represent;
- B. To provide timely access to information pertinent to EM and associated environmental issues and related decision making;
- C. To inform the Board in a timely and proactive manner of organization's processes, programs, projects, and activities pertinent to the Board's mission and purposes;
- D. To provide a short, verbal report on organization's EM activity at each full Board meeting. 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

ARTICLE VI-BOARD OFFICERS

Section 1: Chair and Vice Chair

- A. Election

- i. The Board will elect the Chair and Vice Chair before September 30 of each fiscal year.
- ii. The terms of the Chair and Vice Chair will be one year, starting October 1 of each fiscal year.

B. The Chair makes the following commitments:

- i. To ensure that all viewpoints are considered in all Board discussions;
- ii. To support the Board in an unbiased manner, irrespective of any personal views on a particular issue, and to see that all Board members have the opportunity to express their views;
- iii. To serve as a liaison to the DDFO, the support staff, and facilitator(s), on behalf of the Board;
- iv. To certify the accuracy of all Board meeting minutes;
- v. To represent the Board at national EM SSAB Chairs' meetings and during other EM SSAB Chairs' business;
- vi. To sign the certification of recommendations passed by the Board; and
- vii. To serve as the Board's primary contact.

C. In the absence of the Chair:

- i. The Vice Chair shall serve as Chair;
- ii. In the absence of the Vice Chair, the immediate past Chair, if that person still serves on the Board, shall serve as Chair of the Board Meeting; and
- iii. If none of these persons is present, those Board members present shall select, with the approval of the DDFO, a Chair for the meeting.

Section 2: Removal of Officers

An officer of the Board may be removed from their office for misconduct or neglect of duty by a majority vote of the Board upon the recommendation by an existing Board member or the recommendation of the DDFO.

Section 3: Replacement of Officers

- A. Vacancies will be announced at the next regularly scheduled full Board Meeting.
- B. An election to fill a vacancy will be held at the next regularly scheduled Board meeting, following vacancy announcement.
- C. In the event of a vacancy created by removal, resignation, or abandonment, the term of office of any interim replacement election shall expire with the regularly scheduled annual election.

ARTICLE VII: BOARD MEETINGS

Section 1: Frequency and Location

- A. In compliance with FACA, full board meetings are open to the public and noticed in the Federal Register.
 - i. All such announcements are made by DOE; therefore, it is important that the Board work closely in consultation with DOE staff when planning meetings.
- B. Regular meetings of the Board shall be determined by the work plan that is approved by DOE and the Board at its annual September meeting.
- C. A quorum of the Board must be present in order to conduct a Board meeting. A quorum of the Board consists of a majority (51%) of the voting members of the Board.
- D. Regular Board meetings shall be located within or central to affected communities in order to facilitate communication between the Board, area neighbors, and the concerned public; to provide access to these areas; and to afford broad public access.

Section 2: Agenda

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.

Section 3: Public Participation

- A. Generally
 - i. Board meetings are open to the public, unless they are administrative in nature.
 - ii. During meetings, a section of the meeting room will be set aside for the public.
- B. Public Comment
 - i. An agenda time for public comment will be announced in the Federal Register and other public notices. It shall be scheduled prior to official Board votes.
 - ii. FACA requires that a minimum of fifteen (15) minutes be allotted at each full advisory board meeting for public comment.
 - iii. The Chair may recommend to the DDFO that the public comment period be extended.
 - iv. The allotted public comment time will be divided equally among the members of the public who request to speak.
 - v. Members of the public may offer their comments in writing and give them to the DDFO in accordance with the procedures set forth in the Federal Register notice of the meeting.

Section 4: Minutes

Minutes will be kept by board staff, distributed to members for their review, certified by the Chair and then made available to the public

Section 5: Conduct of Meetings

- A. The Board may utilize a neutral third-party facilitator to assist in accomplishing its mission; in all instances, the facilitator will operate in a completely neutral, balanced, and fair manner.
- B. Board members shall show respect to each other, EM, liaisons, and the public.
- C. The current edition of “Robert’s Rules of Order” governs Full Board meetings.

Section 6: Administrative Sessions

Administrative sessions are meetings of the Board at which no official action or decision may be taken. Deliberation on recommendations may not take place at these sessions. If the sessions deal solely with administrative/educational matters, such as training, agendas, site tours, issues that might relate to individual privacy (such as actions on individual Board members), internal operating procedures or orientation sessions, the meetings are not required to be open to the public or announced in the Federal Register.

ARTICLE VIII-SUBCOMMITTEES

Section 1: Standing Subcommittees

The Board may establish standing subcommittees to promote efficient operations of the Board with approval from the DDFO.

Section 2: Ad-hoc Subcommittees

The Board may establish additional subcommittees, known as ad-hoc subcommittees, as needed, throughout the fiscal year to address any changes or adjustments in the work plan goals. Ad-hoc subcommittees shall be established for the purpose of investigating special topics. The charge to the ad-hoc subcommittee will be established by the Board and approved by the DDFO.

Section 3: Subcommittee Structure Membership

- A. Subcommittee membership will be on a volunteer basis.
- B. Liaisons may serve on subcommittee with the approval of the DDFO, but shall not constitute a majority of the subcommittee.

- C. Subcommittees shall be made up of at least four (4) Board members.
- D. Election of Subcommittee Officers
 - i. Subcommittee Chairs will be elected by a majority vote of the subcommittee at the beginning of each fiscal year, or as necessitated by vacancies.
 - ii. Liaisons may not be elected.
 - iii. Elections must be conducted in the presence of the Subcommittee and the DDFO.
- E. Responsibilities of Subcommittee Officers
 - i. Subcommittee Chairs at their discretion may appoint a committee Vice Chair.
 - ii. The Chair(s) of any subcommittee shall solicit input from all members of the subcommittee regarding the proposed meeting agendas, with approval of the DDFO.
 - iii. The Chair(s) of any subcommittee shall represent the subcommittee and report on its behalf to the Board.
 - iv. The Vice Chair of any subcommittee shall serve and act in temporary absence of the subcommittee's Chair.
 - v. The Chair shall certify the subcommittee minutes.

Section 5: Subcommittee Meetings and Work Products

- A. Subcommittees shall meet independently of the full Board.
- B. If written summaries of subcommittee meetings are prepared, the Committee Chair shall provide those to the full Board.
- C. Subcommittees will produce draft proposals and provide background information to the full Board.
- D. Subcommittees may not directly submit recommendations to DOE; subcommittees are solely responsible for producing draft proposals.
- E. Any subcommittee meeting that constitutes a quorum of Board members becomes subject to FACA meeting requirements, including those regarding public notice, accessibility, and record-keeping.

ARTICLE IX-DECISION MAKING

All decisions, other than changes to these By-laws and administrative decisions, are made at valid full Board meetings by a majority vote of those members present and voting.

Section 1: Requirements for Recommendations to EM

- A. Recommendations shall be approved by majority vote of the full Board. If the majority of the Board choose to, a minority report may be included in the recommendation.
- B. When a topic or issue comes before the Board that may result in a recommendation, the Chair may refer the work to the appropriate subcommittee or propose creating an ad-hoc subcommittee to develop the draft recommendation.
- C. Recommendations to be considered by the Board shall be processed in the following manner:
 - i. Proposed recommendations must be meaningfully deliberated during public meetings of the full Board. Information and diverse perspectives will be discussed and exchanged by the full Board.
 - ii. Public comment will take place, whenever possible, before board action on a recommendation.
 - iii. Upon passage by the Board, recommendations will be signed by the Chair and conveyed to EM in writing through the DDFO within fifteen (15) calendar days.
 - iv. Consideration of recommendations from national EM SSAB Chairs' meetings will be handled in the manner described above.
- D. Recommendations should be addressed to the Site manager for site-specific issues, or to the Assistant Secretary for broad EM issues of elevated interest, or when deemed appropriate.

Section 2: Board Products

Any product of the Board such as position, reports, advice or recommendations given to DOE must be subject to approval by the full Board in final format form before distribution to DOE.

Section 3: Electronic Voting

Electronic voting may be used for solely administrative matters.

ARTICLE X-CONFLICT OF INTEREST

Section1: Definition

A "conflict of interest" exists when a Board member's participation in any meeting, study, recommendation, or other EM SSAB activity has a direct and predictable effect on the companies, organizations, agencies, or other entities with whom the member of a member's spouse, minor child, or general partner is personally associated or in which a

member has a financial interest. This is designed to ensure the integrity of the EM SSAB and the credibility of its work product.

Section 2: Question of Conflict of Interest

All questions concerning conflict of interest shall be referred to the DDFO, who may seek the advice of legal counsel, for resolution.

Section 3: Recusal

- A. As soon as a Board member becomes 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 any discussions and recommendations in which a conflict or potential for conflict of interest exists.
- B. A recused member shall act impartially and avoid the appearance of impropriety.
- C. Recusals shall be stated for the record and meeting minutes shall reflect all recusals.

Section 4: Principles of Conduct

Board members must adhere to the following conflict of interest requirements:

- A. Members shall refrain from any use of their membership, which is or gives the appearance of being motivated, by the desire for private gain.
- B. 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 of any person with whom that member has family, business, or financial relationships.
- C. Members shall not use, either directly or indirectly, any information obtained as a result of Board or Committee service, for private gain.
- D. A member shall not create situations that may result in conflicts of interest or questions regarding the objectivity and credibility of the Board process.
- E. Members shall not knowingly receive or solicit from persons having business with the DOE anything of value, such as a gift, gratuity, loan, or favor while serving on the Board or in connection to their membership on the Board. However, members may receive an unsolicited gift from persons having business with or an interest in DOE if:
 - i. The gift has an aggregate market value of \$20 or less per occasion, provided that the aggregate market value of the gifts received from any one person shall not exceed \$50 in a calendar year;

- ii. The gift is motivated by a family relationship or personal friendship rather than a member's position; or
- iii. The gift results from a 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 were not a result of the member's position on the Board.

ARTICLE XI-BUDGET

Section 1: Authority

DOE retains fiscal responsibility for the Board. Funding amounts will be determined by DOE yearly, based on the Board's approved work plan and funding availability.

Section 2: Compensation

Board members will serve without compensation, but may be reimbursed for travel expenses related to the work of the Board and meeting attendance.

Section 3: Travel Expenses

- A. Board and subcommittee members are required to follow applicable federal travel regulations.
- B. Travel to out-of-town meetings (other than those at which the Chair and/or the Vice Chair are expected to attend) may be offered to those members (as determined by the DDFO) who are specifically engaged in topics pertinent to the meeting subject.
- C. Requests for travel shall be submitted to the NSSAB Office in writing or via email.
- D. Board members must submit receipts for lodging, transportation (or actual mileage for personal vehicle), and other reimbursable expenses within 10 days of completion of travel.

ARTICLE XII-AMENDMENTS

Section1: Policy

With the approval of DOE, the Board shall have the power to amend and repeal these by-laws in order to be consistent with the EM SSAB Charter, and other applicable laws, regulations and guidelines.

- A. Any member of the Board or the DDFO may propose an amendment to the by-laws. The Board will consider and take action on the amendment at the meeting following the introduction of the proposed amendment.
- B. The Board may consider and take action on the amendment to the by-laws thirty (30) days after notice of proposed amendment.

- C. Voting may be conducted by electronic ballot, duly submitted by electronic means, annotated and dated by the member if conducting a vote at a Full Board meeting will compromise Board activity.

Section 2: Approval

Amendments require two-thirds (2/3) vote of the current Board membership; and the approval of the DDFO and the DFO in consultation with the DOE Office of General Counsel.

ARTICLE XIII-ADOPTION OF THE BY-LAWS

These By-laws will be effective upon the affirmative vote of the Board membership, execution by the Chair, consultation with the DOE Office of General Counsel, and approval of the DFO. All previous by-laws are hereby rescinded.

ARTICLE XIV-REFERENCES

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

- EM SSAB Charter
- FACA, USC Appendix 1 (Public Law 92-463)
- Implementing Regulations 41 CFR 101-6.10
- Federal Travel Regulations 41 CFR 300-304
- EM SSAB Policies and Procedures Desk Reference, June 2013
- DOE Manual 510.1-1