



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

Monthly Meeting of the Oak Ridge Site Specific Advisory Board

Approved June 14, 2017, Meeting Minutes

The Oak Ridge Site Specific Advisory Board (ORSSAB) held its monthly meeting on Wednesday, June 14, 2017, at the DOE Information Center, 1 Science.gov Way, Oak Ridge, Tennessee, beginning at 6 p.m. A video of the meeting was made and may be viewed by contacting ORSSAB support offices at (865) 241-4583 or (865) 241-4584. The presentation portion of the video is available on the board's YouTube site at www.youtube.com/user/ORSSAB/videos.

Members Present

Leon Baker
Kathryn Bales (via phone)
Christopher Beatty
Richard Burroughs
Martha Deaderick
Mike Ford
Venita Thomas
Dennis Wilson, Vice Chair
Phil Yager

David Hemelright, Secretary
Greg Paulus
Belinda Price, Chair
Fred Swindler
Rudy Weigel

Members Absent

Rosario Gonzalez
Eddie Holden
Howard Holmes
Mary Smalling
Deni Sobek
Ed Trujillo

Liaisons, Deputy Designated Federal Officer, and Alternates Present

Dave Adler, ORSSAB Alternate Deputy Designated Federal Officer (DDFO), Department of Energy, Oak Ridge Office of Environmental Management (DOE-OREM)
Kristof Czartoryski, Tennessee Department of Environment and Conservation (TDEC)
Connie Jones, Environmental Protection Agency (EPA), via telephone hookup
Melyssa Noe, ORSSAB Alternate DDFO, DOE-OREM

Others Present

Dave Borak, DOE
Luther Gibson
Spencer Gross, ORSSAB Support Office
Cameron Niemeyer, Hardin Valley Academy
Pete Osborne, ORSSAB Support Office

Four members of the public were present.

Liaison Comments

Mr. Adler – Mr. Adler said DOE, EPA, and TDEC are in a formal dispute over the proposed EM Disposal Facility. He explained that discussions of development of the feasibility study for the facility have stalled over a number of issues. The discussions have been elevated to a manager level for resolution of some technical issues. He said the hope is to have a proposed plan ready for public comment in a few months.

Mr. Czartoryski – Mr. Czartoryski had no comments other than to agree with Mr. Adler's explanation of the formal dispute.

Ms. Jones – Ms. Jones had no comments other than to agree with Mr. Adler's explanation of the formal dispute.

Public Comment

Mr. Gibson, referring to the upcoming presentation, said that as a former member of the board he was impressed by the access board members have to DOE management personnel, regulators, and contractors. He said board members are able to make contact with DOE managers in higher level positions that they might not be able to do otherwise.

Regarding the May 2017 presentation on excess materials disposition, Mr. Gibson said there are materials in the emergency management program that could have some consequence at some facilities but could be dispositioned easily. He said he would be willing to discuss those materials with the issue managers for any recommendation on excess materials.

Presentation

Mr. Borak, the EM SSAB Designated Federal Officer (DFO), gave a presentation on the Federal Advisory Committee Act (FACA). The main points of his presentation are in Attachment 1.

He began by explaining that the EM SSAB was chartered in 1994 under FACA to involve local citizens directly in DOE EM cleanup decisions. The EM SSAB consists of eight site specific boards at locations across the country (Attachment 1, page 3). The purpose of the EM SSAB and the eight individual SSABs (some are known as citizens' advisory boards) is to advise DOE EM on cleanup work. Members are representative of the communities where cleanup sites are located and not considered experts. Mr. Borak said other advisory boards (committees) in the Federal Government have members who are considered experts in the respective fields.

FACA was signed into law in 1972. Advisory committees have been in existence since the administration of President Washington. FACA formalized all advisory committees. Before FACA some advisory committees met in secret outside of the public eye. FACA formalized the process for establishing, operating, overseeing, and terminating advisory committees. It established the Committee Management Secretariat within the General Services Administration that oversees all of the advisory committees of the federal government (Attachment 1, page 4).

Every agency within DOE has a Committee Management Officer (Attachment 1, page 5). Mr. Borak said every FACA board must have a DFO, and he is the DFO for the EM SSAB. Each field site like Oak Ridge has a Deputy DFO who represents the DFO at each site. Mr. Borak explained that SSAB meetings must have present the DFO, the DDFO, or an Alternate DDFO, who is named by the DDFO to represent him/her when needed. Boards also have federal coordinators to assist the DDFO. Boards have contractor staff support personnel to handle administrative work. Mr. Borak said each board must have a chair elected from its ranks. A vice chair is optional. Board chairs represent their respective

boards at semiannual EM SSAB chairs meetings that rotate through the eight sites. At these meetings issues at the local and national levels are discussed. Often recommendations are issued from these chairs meetings.

Each board have liaisons who can represent state agencies, local government, or tribal governments.

Mr. Hemelright asked if a temporary Alternate DDFO can be appointed. Mr. Borak said it could, but some boards appoint permanent Alternate DDFOs like Oak Ridge.

Mr. Borak explained the basic legal requirements for an advisory board under FACA (Attachment 1, page 6). Each board must have a charter that outlines the board's mission and duties. The charter must be renewed every two years. Board meetings must be open to the public. They are announced in the Federal Register, and documents must be kept and be available to the public. Mr. Borak said FACA does allow for 'non open' meetings where only administrative work is done and no recommendations are discussed or any other topic the public would have interest in.

Advisory boards must strive to have a balanced membership. Mr. Borak said FACA requires a balance of interests, but DOE EM tries to have a balance gender, race, and area representation. He said no individual group has a right to be on an advisory board.

FACA requires meetings to have a public comment period. Written statements may be submitted as public comment.

Mr. Borak showed a graphic of guiding documents for advisory boards (Attachment 1, page 7). At the top is FACA, followed by a DOE Committee Management Manual, the EM SSAB Charter, EM SSAB Guidance, and the local boards' operating procedures.

Mr. Borak explained why citizen input is needed in cleanup decisions (Attachment 1, page 8). DOE needs to understand the values of the community, which cannot be obtained through scientific means, he said. What the community thinks is important and should be part of how DOE makes cleanup decisions. Having open meetings with public comment is a way of building trust between the public and DOE.

The advisory boards provide independent input. Board members receive no compensation for serving. Advisory boards provide an avenue for open and transparent decision making, and they provide opportunities to educate and ensure future engagement and participation.

Mr. Borak talked about the responsibilities of the DFO/DDFO (Attachment 1, page 9). He said the major function is to maintain information on the functions and operations of their advisory boards. They prepare the Federal Register notices and prepare membership packages. Information on prospective members is gathered and is reviewed in Washington, DC. Membership packages are reviewed by DOE EM, by the Secretary of Energy's Office, and even by White House staff. He said the DFO makes sure the package goes through the process smoothly.

Other responsibilities of the DFO/DDFO are to ensure all ethical standards are met by board members and that meetings are held at a reasonable and accessible time and place.

Mr. Borak asked the members present if they can meet to discuss the wording of a recommendation if the DDFO or Alternate DDFO cannot attend a meeting. He said they cannot. He said it must be an open meeting with public comment so members of the public can hear what is being discussed and can comment. Mr. Paulus asked if a subcommittee can discuss a recommendation without having a DDFO present. Mr. Borak said if a quorum of members is present to discuss a recommendation then the

DDFO or alternate must be present. He said if a board violates any of the FACA rules the members are not legally in jeopardy in any way, but it does leave DOE vulnerable to lawsuits.

Mr. Borak reviewed the responsibilities of members (Attachment 1, page 10). Members are expected to attend meetings and learn about the site's cleanup mission. The key function of the advisory board is to provide DOE with recommendations. Members should work collaboratively and respectfully together. They are to abide by the terms of the EM SSAB charter and advise the DDFO of any conflict of interest.

Regarding conflict of interest, while SSAB members are not subject to the same conflict of interest regulations as federal employees, they are to refrain from using membership for personal or professional gain; recuse themselves from discussions and decisions related to conflicts of interest; and seek guidance from the DDFO if offered anything of value in connection with advisory board service (Attachment 1, page 11). Mr. Weigel asked about a member who worked for a company that was bidding on a DOE EM contract. Mr. Borak said that probably would be a conflict of interest and the member should advise the DDFO.

Mr. Borak said a board's work plan helps members understand what they should be working on for the year. He said successful, productive boards have good work plans. It's common for issues to come up that need to be put in the work plan, but boards should refrain from working on issues that are not in the work plan or that DOE has no interest in. Work plans are a collaborative process. DOE provides boards with issues it would like for the boards to study. Boards have topics on which they have interest in providing recommendations. The purpose of planning meetings is to discuss those topics and decide what goes in the work plan.

FACA has little to say regarding subcommittees. Unless there is a quorum of board members at subcommittee meetings there doesn't need to be a Federal Register notice or a public comment period. Mr. Borak said, however, that an email chain among members where recommendations are discussed is considered a board meeting by the General Services Administration.

Ms. Thomas asked how to obtain a copy of FACA. Mr. Borak said a web search of FACA will find the document.

Committee Reports

EM & Stewardship – Mr. Swindler reported that the committee met on May 24 and had a follow on discussion on the May 10 ORSSAB presentation on Key Materials Disposition. Committee members had a number of questions and Ms. Noe promised to get answers from Bill McMillan, one of the May 10 presenters. Mr. McMillan has provided answers, which will be presented at the June 28 meeting.

The committee also discussed a recommendation on the FY 2019 OREM budget request. Issue managers working with staff will draft a recommendation and discuss it at the June 28 meeting.

Executive – Ms. Price said Ben Williams with the OREM Public Affairs Office met with the Executive Committee on June 7 to explain all the things his office does regarding public outreach. This was in response to the EM SSAB Chairs' recommendation approved at this meeting on EM's Cleanup Performance Road Map and Communications Strategy. Ms. Price thought Mr. Williams' presentation to the Executive Committee would be beneficial to the full board. That is a topic to be considered for the FY 2018 work plan.

Regarding ORSSAB public outreach, work on the board's newsletter the 'Advocate' is underway and will be printed by the first of July. A news release on the outgoing student representatives from the

May meeting has been distributed to local media. News releases on new student representatives and outgoing board members will be sent soon.

Ms. Price reminded the board that the annual planning meeting will be August 19 at 9 a.m. at the Tremont Lodge in Townsend, Tenn. The Executive Committee is working on a member survey that will be distributed to membership for input on how to improve board processes.

Ms. Price said Ms. Deaderick is representing ORSSAB as a consulting party on the K-25 National Historic Preservation work.

Open Discussion

None.

Announcements and Other Board Business

ORSSAB's next meeting is the annual planning meeting on Saturday, August 19, beginning at 9 a.m. at the Tremont Lodge in Townsend, Tenn.

Mr. Adler recognized retiring board members Dave Hemelright, Greg Paulus, and Mike Ford for their service to the board by presenting them with appreciation plaques. Two retiring members who were not present, Howard Holmes and Mary Smalling, were recognized as well. They all received thank you letters from ORSSAB Chair Belinda Price.

Mr. Adler introduced new student representative from Hardin Valley Academy Cameron Niemeyer to the board.

Alternate DDFO Report

Ms. Noe said OREM has received the two recommendations ORSSAB approved at the May 10 meeting (Recommendation 234: Recommendation on Biology Complex Facilities and Recommendation 235: Recommendation on Groundwater Investigations at the DOE Oak Ridge Reservation). The appropriate personnel are working on the responses and will get them to the board by August 14.

OREM also received the letter from Ms. Price asking for suggested topics for the board to work on in FY 2018. She said OREM will develop topics and run them through DOE Headquarters for approval. EPA and TDEC will also provide suggested topics. At the annual planning meeting on August 19 all of the topics will be presented, and agreed upon topics will be placed in the board's work plan for FY 2018.

Ms. Noe said the new member packets are still being reviewed by EM Headquarters. She said the hope is to get new members approved by July. Mr. Borak said many people review the membership packages, and it typically takes longer for a new administration to act since they are not familiar with the process.

Motions

6/14/17.1

Mr. Hemelright moved to approve the minutes of the May 10, 2017, board meeting. Ms. Thomas seconded and the motion passed **unanimously**.

6/14/17.2

Mr. Hemelright moved to approve the SSAB Chairs Recommendation on EM's Cleanup Performance Road Map and Communications Strategy (Attachment 2). Mr. Baker seconded and the motion passed **unanimously**.

6/14/17.3

Ms. Thomas moved to approve the SSAB Chairs Recommendation on Above-Ground Storage at the DOE Waste Isolation Pilot Plant (Attachment 3). Mr. Ford seconded and the motion passed **unanimously**.

6/14/17.4

Mr. Baker moved to approve the Nominating Committee of Mr. Burroughs, Ms. Bales, and Mr. Beatty. Ms. Thomas seconded and the motion passed **unanimously**.

6/14/17.5

Second consecutive absence for Rosario Gonzalez. Mr. Hemelright said staff and he had tried to reach Ms. Gonzalez concerning her two consecutive absences. Neither he nor staff have made contact with her. Mr. Hemelright suggested the Executive Committee should discuss her status at its next meeting.

Action Items

None.

The meeting adjourned at 7:29 p.m.

Attachments (3) to these minutes are available upon request from the ORSSAB support office.

I certify that these minutes are an accurate account of the June 14, 2017, meeting of the Oak Ridge Site Specific Advisory Board.

Richard Burroughs, Secretary



Dennis Wilson, Chair
Oak Ridge Site Specific Advisory Board
DW/rsg

9/13/17