



## 1. MISSION

The mission of the Idaho Cleanup Project (ICP) Citizens Advisory Board (CAB or Board) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities, the Department of Energy's (DOE) Office of Environmental Management (EM), and the Idaho National Laboratory (INL). The Board is chartered under the EM Site-Specific Advisory Board (SSAB) and provides the Assistant Secretary for Environmental Management (EM), the appropriate DOE Field Managers or Assistant Managers for EM activities, and any other DOE official the Assistant Secretary designates, with advice and recommendations concerning issues affecting the EM program at various sites. At the request of the Assistant Secretary or the Field Managers, the Board may provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship; risk assessment; and communications. The Board may also be asked to provide advice and recommendations on any other EM project or issue. Recommendations will be targeted toward actions within EM's mission. 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 and the INL site.

## 2. OBJECTIVES, RESPONSIBILITIES, AND FUNCTIONS

### 2.1 Objectives

The ICP CAB shall fulfill its mission within the applicable laws and regulations governing its operation and shall provide informed recommendations and advice to the DOE EM Program.

### 2.2 Responsibilities

The ICP CAB shall:

1. Work constructively with DOE and the Agencies (State of Idaho Department of Environmental Quality, U.S. Environmental Protection Agency [EPA] Region 10).
2. At the specific request of EM, the CAB will provide independent advice and recommendations to the assistant secretary for EM or the EM assistant manager at the INL site. The CAB will provide advice and recommendations in response to charges issued by EM or ICP.
3. Treat all information and materials provided by DOE and other agencies in a responsible manner.



4. Seek additional information, as necessary, to augment information provided to the CAB by DOE and other agencies.
5. Provide information on CAB activities as requested.
6. In compliance with the Federal Advisory Committee Act (FACA), CAB meetings will be open to the public and a Federal Register notice announcing the meeting at least 15 calendar days in advance is required. The CAB meetings will be held in public locations to encourage maximum public and Board participation.
7. Provide a written record of all CAB meetings within a reasonable time period.

Additionally, members shall:

1. Devote the time necessary to attend meetings, review material, receive training, and fully participate in CAB matters in a manner consistent with these operating procedures.
2. Work constructively with other members of the CAB in the best interest of the CAB.
3. Represent CAB activities and positions accurately, and clearly distinguish between ICP CAB positions and personal viewpoints when communicating with the public, the media, or other organizations.
4. Be encouraged to ask questions throughout the meeting and participate in discussions.

### 2.3 Functions

To achieve its mission, fulfill its purpose, and operate within its operating procedures and FACA, the ICP CAB shall:

1. Obtain timely and balanced information from available sources, including DOE and other agencies, contractors, independent consultants, and the public.
2. At the end of each fiscal year, conduct a self-evaluation, either formal or informal, of operations and progress made during the previous year with the aim of improving the CAB's overall effectiveness.
3. 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.
4. The EM SSAB is chartered under the FACA. The ICP CAB is thereby subject to the requirements of the EM SSAB Charter, FACA (5 United States Code [USC]



Appendix 1 [Public Law 92-463]), and Federal Advisory Committee Management regulations (41 Code of Federal Regulations [CFR] 101-6.10).

## 2.4 Decision-Making

The consensus process is the preferred procedure (however, it is not required by statute or regulation) by which the CAB will reach agreement on advice or recommendations to DOE and/or the Agencies. This reflects the role of the CAB as an advisory board, where it is important to represent the true diversity of stakeholder opinion, rather than as a body actually faced with making and implementing decisions.

Consensus evolves from informed discussion and deliberation in which all members participate, bringing to the issue their individual values and values representative of their respective stakeholder groups. Consensus allows for shades of opinion on the many aspects of a given issue.

Understanding consensus is the preferred method of decision-making. At any time during discussion of any issue, the facilitator or any member of the CAB may call for a vote as to whether to continue with attempts to reach consensus or to decide the issue by a majority vote. This procedural vote does not require a second, is not debatable or amendable, and will be decided by a simple majority vote.

If “majority vote” is selected as the preferred procedure, discussion of the issue will then continue, under the guidance of the facilitator, using the same rules as for consensus development. When the issue has been properly framed and adequately discussed, the facilitator will determine from the CAB if it is ready to vote on the issue. If a majority indicates a vote to be in order, the facilitator will request an immediate vote, also to be decided by a simple majority. If a decision is made by majority vote and is not unanimous, it will be the prerogative of the minority position to submit a minority opinion.

## 3. MEMBERSHIP

The ICP CAB shall strive to have no less than 10 nor more than 15 voting members, with a target of 12, exclusive of liaisons. Liaisons (without vote) will be representatives of the ICP, EPA Region 10, the State of Idaho, and others, as designated.

### 3.1 Selection Criteria

1. Membership on the CAB requires sincere interest in issues related to the INL site as well as the time to study, discuss, and reach agreement as a group relative to those issues. The need for commitment in these areas shall be stressed throughout the application and selection process.
2. The CAB member nomination shall be in accordance with the FACA and DOE Manual 510.1-1. These criteria and guidelines are designed to ensure that CAB



membership reflects a full diversity of viewpoints in the affected community and region and will be composed of people who are directly impacted by INL site cleanup activities and includes a broad, representative cross-section of stakeholders.

### 3.2 CAB Member Appointment/Removal

Pursuant to delegated authority, the Assistant Secretary for EM is authorized to appoint and remove EM SSAB members. ICP CAB members serve at the pleasure of the Assistant Secretary and may be removed at any time during their tenure.

1. At the request of the assistant secretary, the deputy designated federal officer (DDFO) solicits nominees for the ICP CAB. The DDFO may request assistance from the ICP CAB in soliciting and identifying potential members.
2. The standard term for Board members is 2 years, and members are to serve no more than three 2-year terms for a total of 6 years.
3. The representative for the Shoshone-Bannock Tribes will be nominated by appropriate Tribal authorities.
4. Members shall be appointed to bring views associated with residence in various affected communities within the clean-up area, particularly community, governmental (including Tribal Nations), environmental, public health, civic groups, labor, education, local businesses, and/or economic development.
5. The assistant secretary or DOE Field Managers for EM activities may request that other Federal, State, local or Tribal governments name liaisons to the CAB to provide information and represent their agency's interests at CAB meetings. These liaisons may participate in discussions but shall have no vote and shall not be included in the quorum count.
6. The DOE Idaho Operations Office may recommend to DOE Headquarters that a CAB member be removed, as deemed necessary. Any CAB member may be recommended for removal by a 75% affirmative vote by the current voting CAB membership, for the following reasons: excessive absences, change in status so that individual no longer meets selection criteria, is placed in conflict of interest, or repeated failure to conform to the FACA, the EM SSAB Charter, and the adopted procedures of the ICP CAB.

### 3.3 Vacancies

If an out-of-cycle vacancy occurs following death, resignation, or removal, the DDFO may solicit nominees from the public, board members, or members from the INL site community at large. Nominees should meet, as far as possible, the CAB's existing stakeholder balance, diversity, and geographical distribution. The vacancy shall be filled



by interim appointment for the remainder of the unexpired term in accordance with the DOE EM SSAB guidance.

### 3.4 Resignations

Written resignations from CAB members shall be submitted to the DDFO and the CAB chair.

## 4. CHAIR AND VICE CHAIR

The chair-elect, shall be chosen by the CAB six months prior to the seating of new members on the biannual rotation of CAB membership. Nominations (open or self-nominations) will be made prior to the meeting. Voting will be by secret ballot. The chair-elect will serve a one-year term in office as vice-chair, following a two-meeting period under the previous chair and vice-chair. Following the one-year term as vice-chair, that individual will serve a one-year term as chair. The vice-chair will substitute for the chair, as needed.

4.1 The chair will function as an equal member of the CAB during all discussions and deliberations.

4.2 The chair shall be responsible for coordinating with the support staff and DOE on CAB proceedings and shall serve as a point-of-contact for CAB members, support staff, liaisons, and DOE coordinators. The chair will interact with other advisory groups, as necessary and as directed by the CAB.

4.3 Every attempt will be made by the CAB chair to ensure diversity of perspective and equitable division of committee workload. If a committee does not select its chairperson within a reasonable period, a committee chair may be named by the CAB chair.

4.4 The chair will work with support staff to ensure the meeting minutes accurately reflect the content of CAB deliberations. The DDFO will ensure that the chair verify the accuracy of the meeting minutes and certify them within 45 calendar days of the meeting.

4.5 If the position of chair or vice chair becomes vacant because of removal or resignation, a replacement to serve the remainder of the term shall be selected by secret ballot at the next regular meeting of the CAB, subject to confirmation by DOE.

## 5. CONFLICT OF INTEREST

### 5.1 Enforcement of Conflict-of-Interest Policy

Questions concerning conflict of interest shall be referred to the DDFO, who will seek the advice of the Designated Federal Officer, for resolution.

### 5.2 Recusal



If a Board member is aware of a conflict of interest, the member shall immediately inform the DDFO, DFO and the Chair of the interest and shall refrain from participating in discussions and recommendations in which a conflict or potential for conflict of interest exists. The member shall not participate in any matter from which recused, until the conflict has been addressed by the Office of the Assistant General Counsel for General Law.

### 5.3 Principles of Conduct

All CAB members must be aware of and take care to abide by the following general conflict of interest requirements:

1. A member shall refrain from any use of his or her membership, which is, or gives the appearance of being, motivated by the desire for private, professional, or financial gain.
2. A member shall not use, either directly or indirectly, for private gain any inside information obtained as a result of advisory committee service.
3. A member shall not use his or her position in any way to coerce or give the appearance of coercing another individual to provide a financial benefit to the member with the conflict of interest or any person with whom that member has family, business, or financial relationships.
4. A member should seek immediate guidance, beginning with the local DDFO, if he/she is offered anything of value such as a gift, gratuity, loan, or favor.

## 6. MEETINGS

### 6.1 Frequency, Location, and Format

The ICP CAB will strive to meet approximately four times per year, or as deemed necessary. Decisions on the frequency of CAB meetings will be as determined by the CAB based on its assessment of CAB member needs and subject to the following meeting format:

1. At least two of the meetings will be held in-person, provided that local health and safety protocols allow. Meetings may also be held via virtual means.
2. A public notice will be printed in the Federal Register at least 15 days before the meeting. Announcements may be made in the local newspapers.
3. 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 in accordance with 41 CFR 102-3.140.



- 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 or by consensus of the Board members in attendance.
- b. If required, at the discretion of the Chair, the fixed time will be divided equally among the members of the public who request to speak.
- c. Before a decision on a recommendation is made, the 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 submit questions in writing and give them to the DDFO if they fall within the purview of the ICP CAB.

## 6.2 Meeting Support

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

## 6.3 Agenda

At the end of each full board meeting, the agenda objectives for the next meeting will be formulated by the CAB and DOE. These objectives will be based on adopted priorities and will include any other matters to come before the CAB, including periods set aside for public comment. The agenda will be approved and signed by the DDFO prior to publication. Modifications to the agenda may be made by the DDFO upon the request of DOE or the CAB.

## 6.4 Minutes

Minutes of the meeting will be provided by the support staff and will be sent in draft form to the Federal Coordinator and CAB Chair for review. Comments as to changes or clarifications will be incorporated into the minutes before they are finalized. Once finalized, the minutes will be posted to the CAB website.

## 6.5 Quorum

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

## 7. SUBCOMMITTEES

With the approval of the DFO or DDFO, the CAB shall designate standing and ad hoc issue subcommittees, as needed. Standing subcommittees shall be composed of at least three volunteer voting CAB members who will work with, and coordinate through, the support staff. Subcommittee meetings will be scheduled, as needed, through support staff, either as face-to-



face meetings or via conference calls. Subcommittees meet independently of the CAB but must be operating under the direction of the full board. Subcommittee meetings are open to the public and must be held in a public location. All CAB members are notified of meetings and are welcome to participate. DOE and support staff should attend all meetings.

All draft recommendations prepared by any standing subcommittee(s) shall be submitted to the full CAB for review and comment prior to the CAB meeting. Subcommittees may not directly submit recommendations to EM. It is the responsibility of CAB members to review and be prepared to discuss, modify, reject, or accept the subcommittee draft at the next scheduled CAB meeting.

## 8. AMENDMENTS

Amendments to the CAB mission statement, objectives, functions, responsibilities, and procedures will be made in accordance with the following:

- 8.1 Proposed amendments may be submitted by any member of the CAB to the cognizant committee.
- 8.2 The cognizant committee will consider the amendment and forward its recommendation and justification to the entire CAB.
- 8.3 Amendments will be approved or disapproved by the same decision-making process specified in section 2.4.
- 8.4 All amendments to these operating procedures must be approved by the DDFO and the DFO at DOE Headquarters in consultation with the Office of the General Counsel.

## 9. REFERENCES

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

- EM SSAB Charter
- Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2.
- 41 CFR Parts 101-6 and 102-3.
- EM SSAB Policies Desk Reference.
- DOE Manual 510.1-1, *Advisory Committee Management Program*.





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## New Member Recruitment, Selection, and Recommendation Protocol

Annually, and in consultation with the DDFO and chairperson of the ICP CAB, the DDFO will involve, as necessary, the CAB in order to solicit interested individuals, identify the most qualified applicants, and recommend potential members to the assistant secretary for EM for appointment. This collaborative effort will be as follows:

- A. The DDFO, with assistance from the CAB, and in accordance with the membership framework, shall determine what the demographic needs are for the Board.
  1. Solicit and advertise for applicants' expressions of interest.
    - a. The DOE ICP CAB support contractor shall provide budget resources for costs associated with recruitment and potential member identification.
    - b. Advertisements shall be placed with newspapers and other area publications that will satisfy the demographic needs of the Board.
    - c. Board members shall also be encouraged to approach acquaintances and targeted groups or organizations known to have the desired background and interests and invite individuals to apply.
    - d. Interested parties shall contact the ICP CAB support contractor or the DOE federal coordinator to obtain additional information on the application process.
    - e. The standard application form shall be used to apply.
    - f. Applicants shall be evaluated based on such factors as:
      - 1) Background areas of interest (i.e., professional affiliations, business groups, environmental organizations, university/college affiliation, health professional, state and local government members, labor organizations, etc.).
- B. Applications will be mailed to ICP CAB support contractor.
  1. Applications shall be held in a secure area and not released to anyone other than CAB members, the DDFO and the DOE federal coordinator.
    - a. There will be a specific time scheduled to review the applications and any and all Board members may participate. However, screening and evaluation of applications shall be assigned, at the discretion of the Board chair, to a membership subcommittee.



- b. Applications shall be viewed in an open conference room and cannot be reproduced, and copies taken out of DOE's control.
    - 1) The DDFO, DOE federal coordinator and the subcommittee members shall review the proposals together.
    - 2) If needed, DOE and the subcommittee members may schedule interviews to be conducted via conference call.
  - c. Applications will be discussed and thoroughly evaluated according to the above factors and assigned a numeric ranking, on a 10-point scale.
  - d. The subcommittee will then vote, by secret ballot, selecting an ordered choice of applicants for the board to recommend to the DDFO to propose for selection to serve on the ICP CAB.
2. The Board will prepare a report recommending the desired applicant(s) and forward the report and the applications to the DDFO.
- C. The DDFO will then consider the ICP recommendation when proposing the slate of candidates to be appointed by the Assistant Secretary for EM for the ICP CAB.