

EM SSAB Members and the Federal Advisory Committee Act

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Designated Federal Officer

EM Site-Specific Advisory Board

**PORTS SSAB Meeting • Piketon, OH
January 10, 2013**

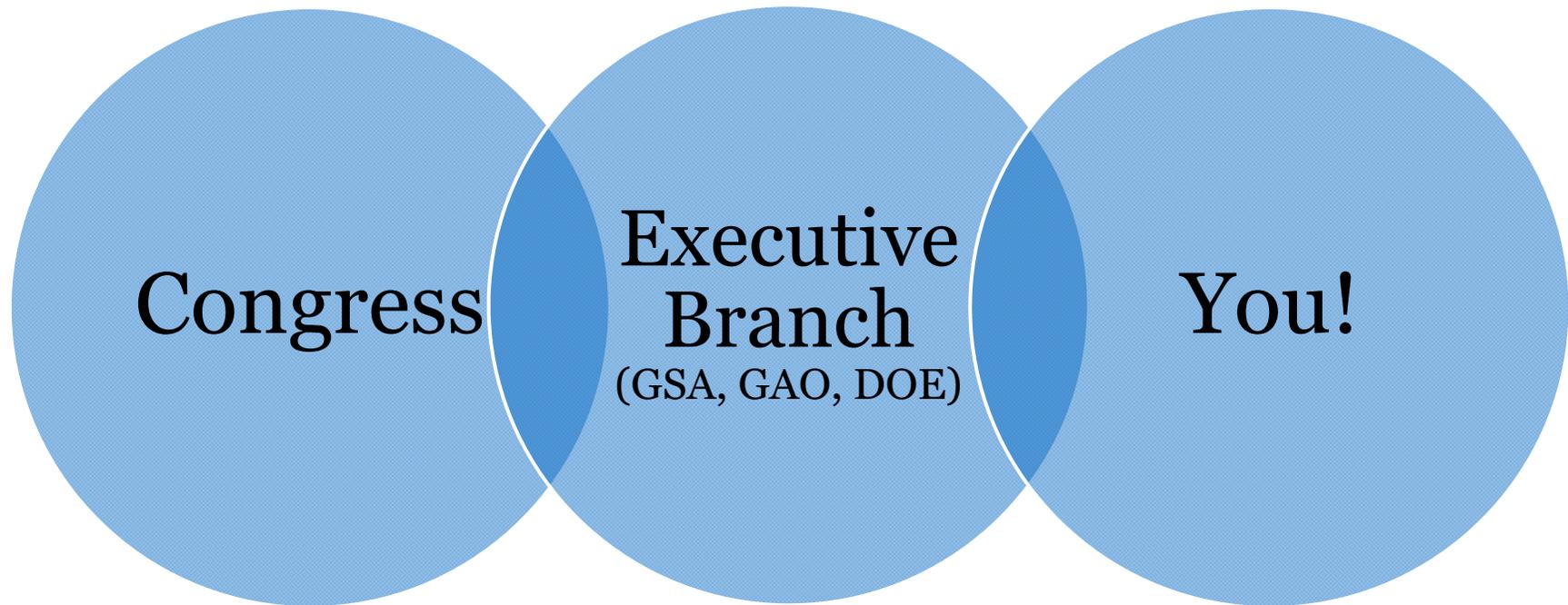


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Who's Involved?



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Presentation Overview

1. What is FACA—and why is it a law?
2. Authority and Responsibilities
3. What Members Need to Know
4. HQ Views on EM SSAB



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FEDERAL ADVISORY COMMITTEE ACT

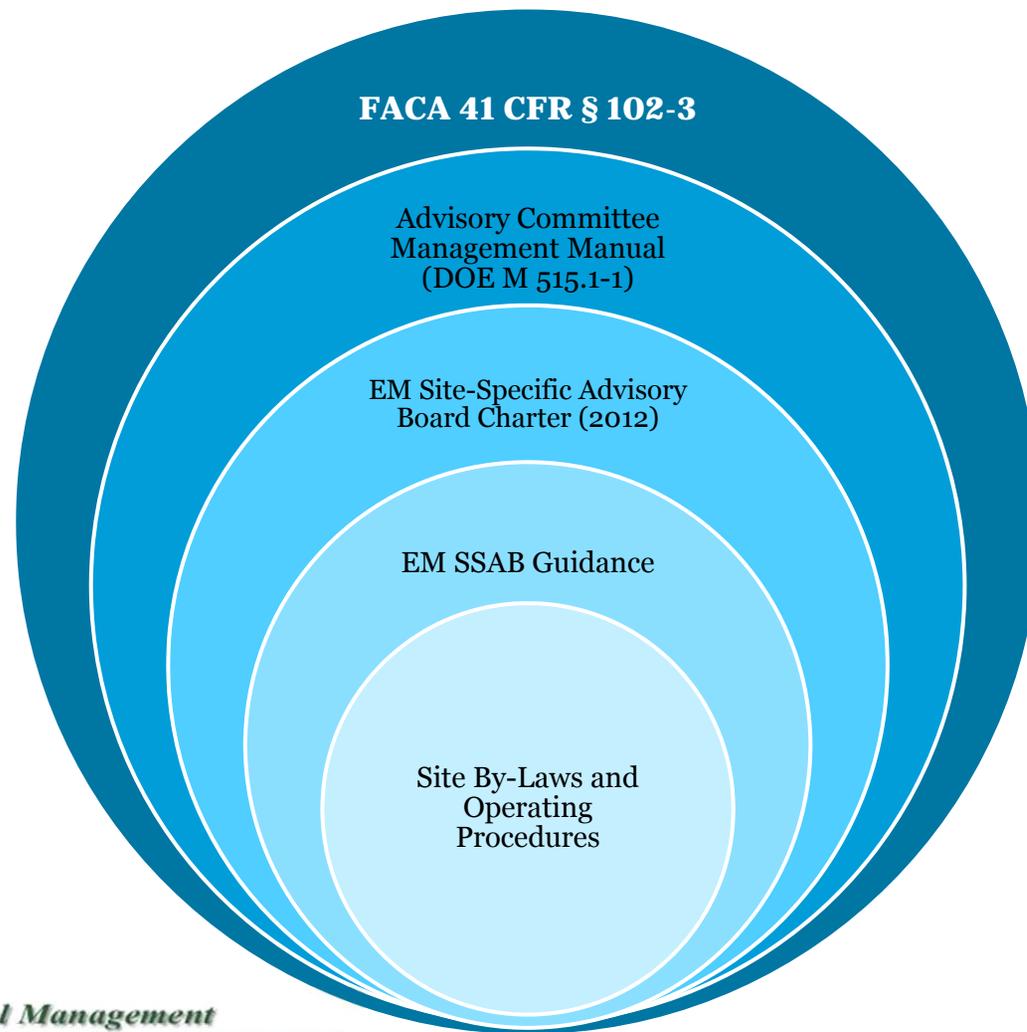


Federal Advisory Committee Act

- Public Law 92-463, effective January 5, 1973
- Principles:
 - **Balanced Membership**
 - **Independent Advice**
 - **Openness**
 - **Public Records**
- Creates Oversight Structure for Advisory Committee Operations



Regulatory Framework



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Balanced Membership

- Affected people
- Statistics from the U.S. Census Bureau
- A range of interests, determined by identification with local and Tribal governments, community organizations, other organizations around specific interests



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Key points for balanced membership

- Points of view for the function to be performed
- Numerical parity of holders of various points of view not required
- Consideration of race, gender, geographic regions, etc.
- No individual or group has the right to be on a committee



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Selection Process

Site recruitment through meetings, newspapers and other media, word-of-mouth, special events, targeted outreach

Site review of applications for balanced membership

Nominations forwarded to DOE-EM HQ

Reviewed by EM-3.2, Committee Management Office, Executive Secretariat, General Counsel, Assistant Secretary

Appointment letters sent by EM Assistant Secretary



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Board Member Responsibilities

To attend regular meetings and receive training

To review and comment on EM and other documents within their purview that come before the Board, and submit timely recommendations to EM

To work collaboratively and respectfully with other Board members and liaisons in the best interests of both the Board and the public



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Board Member Responsibilities

To serve on at least one Committee or Task Force during any given six month period as appointed by the Chair

To abide by the terms and conditions of the EM SSAB Charter and these operating procedures



Board Member Responsibilities

Declare any potential conflict of interest.

Direct financial interest: Members cannot use their position on the Board for their* private gain or for the private gain of others and cannot accept gifts given because of a member's position on the board.



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DOE-EM RESPONSIBILITIES

Advisory committees must be adequately funded by the appropriate agency. [41 CFR § 102-3.95(a)]

Agencies should practice openness and seek to be as inclusive as possible. [41 CFR § 102-3.95(d)]

Agencies should continually seek feedback from advisory committee members regarding effectiveness of advisory committee's activities; and should regularly communicate to members how their advice has affected Agency programs and decision-making. [41 CFR § 102-3.95(e)]



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HQ VIEWS ON THE EM SSAB AND LOCAL BOARDS



- EM SSAB local boards are a hub for local site input

- EM SSAB Advice is Highly Valued



HQ VIEWS ON THE EM SSAB AND LOCAL BOARDS

- Three General Charges from Assistant Secretary
 - Budget Priorities
 - Waste Disposition Preferences
 - Improving Public Participation



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Contact Information

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EM Site-Specific Advisory Board

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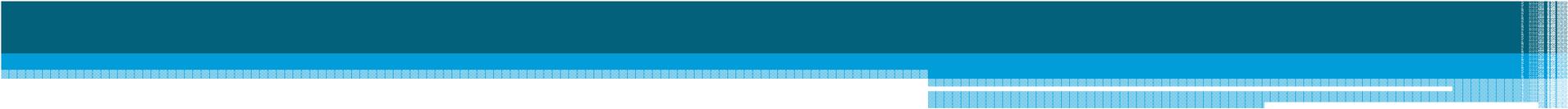
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Website

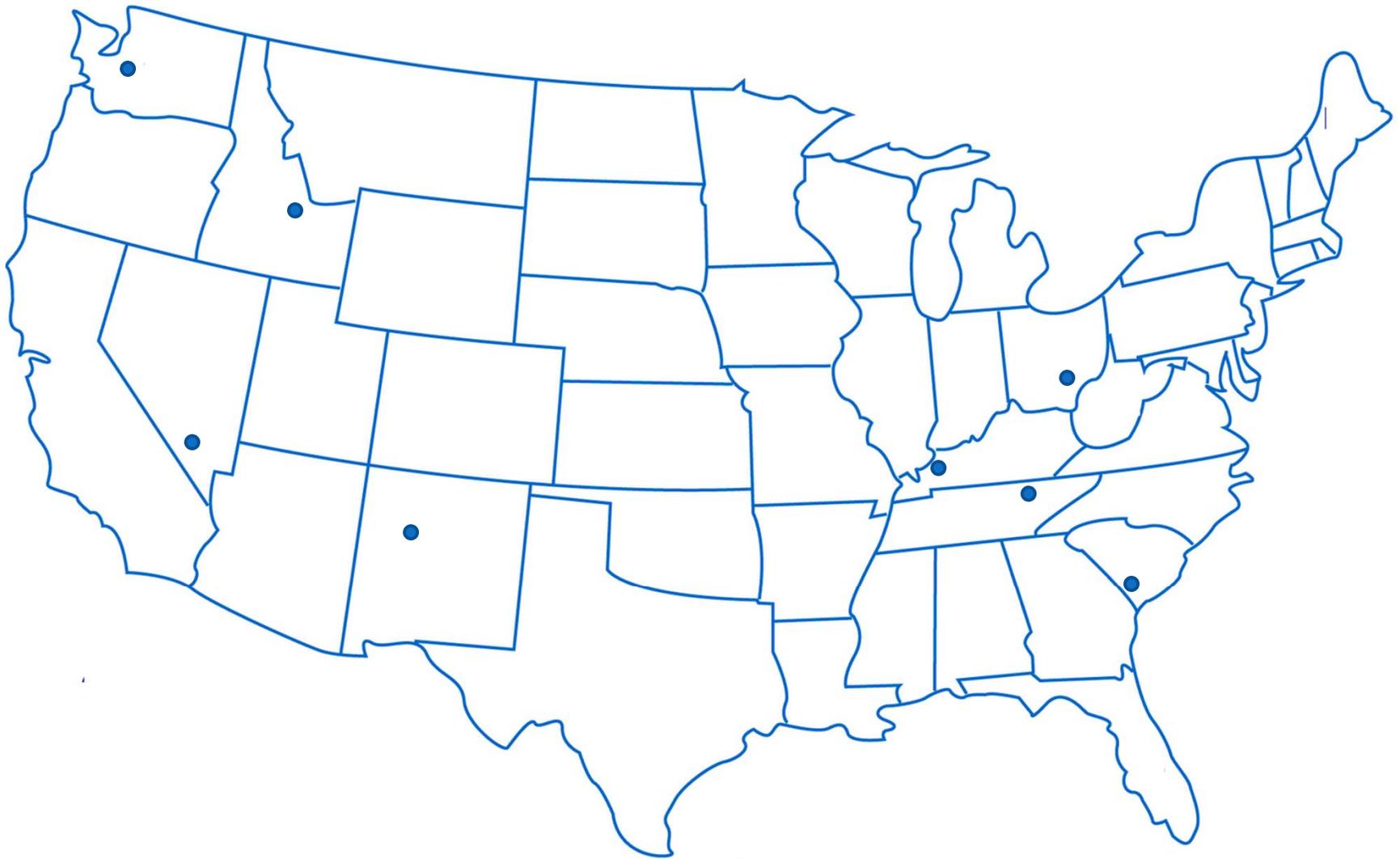
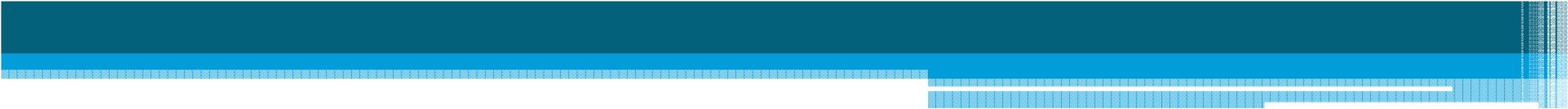
<http://energy.gov/em/services/communication-engagement/site-specific-advisory-board-ssab>

Back-Up Slides



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Establishing an Advisory Committee

4 sources of authority for establishing an advisory committee:

“(a) Required by statute. By law where the Congress establishes an advisory committee, or specifically directs the President or an agency to establish it (*non-discretionary*);

(b) Presidential authority. By Executive order of the President or other Presidential directive (*non-discretionary*);

(c) Authorized by statute. By law where the Congress authorizes, but does not direct the President or an agency to establish it (*discretionary*);
or

(d) Agency authority. By an agency under general authority in title 5 of the United States Code or under other general agency-authorizing statutes (*discretionary*).”



FACA MAJOR REQUIREMENTS

- Agencies must design uniform administrative guidance and management reports and controls
- Committees must be chartered (renewal 2 years)
- Meetings must be open to the public (w/exceptions) and allow public comment
- Detailed meeting minutes must be kept
- Committee termination criteria

