

DRAFT

Mission Statement and Operating Procedures

Northern New Mexico Citizens' Advisory Board to the Department of Energy/ Los Alamos National Laboratory

MISSION STATEMENT:

The Northern New Mexico Citizens' Advisory Board to the Department of Energy/Los Alamos National Laboratory shall be a nonpartisan, advisory group representing the diverse interests of Northern New Mexico, pertaining to the past, present, and future activities at the Los Alamos National Laboratory (LANL). The primary mission of this Board is to provide community comments and informed recommendations to the Department of Energy (DOE), the U. S. Environmental Protection Agency (EPA) and the New Mexico Environment Department (NMED). Both direct and indirect outcomes of LANL activities on the history, culture and heritage of the area will also be considered. The goal of the Board will be to provide high quality and timely recommendations for consideration by the DOE.

The Board shall represent the demographics and ethnicity of the area and addresses regional, site-specific interests, rather than national issues. The Citizens' Advisory Board will be composed of residents of northern New Mexico, who are representative of the concerns and interests of the citizens who reside in Los Alamos, Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, and Taos counties and the Native American communities within those counties.



Changes to Mission Statement and Operating Procedures the were unanimously approved by the CAB.

(bold indicates new language, [] indicates deleted language)

Under "Conflicts of Interest:" add a paragraph:

No Board member will use his/her Board membership to gain advantage in any business dealing, or to influence any legislative or administrative decision, except when authorized to act for the Board by an affirmative action of the Board or when authorized by these Operating Procedures.

Under "Meeting Notices:" change to read:

All regular and special meetings of the Board at which official action will be taken must be effectively posted and advertised to the public except for work sessions. [and] All meetings, including work sessions, will be open to the public and public comments are encouraged. All regular and special meetings [Meetings] will be announced to the public by publication in the Federal Register and in local newspapers with significant circulation in the region, in compliance with the New Mexico Open Meetings Act. Meeting announcement in other media (e.g., radio, flyer posting, etc.) will be done in the context of a public information plan necessary to reach the interested public.

Work sessions are defined as meetings of all or a portion of the Board (including ex-officio members) at which no official action is taken. Work sessions may include subcommittee meetings which develop recommendations for official approval by the full Board (including discussing issues and developing priorities); meetings to inform Board members or collect information; and meetings to discuss internal administrative procedures.

Under "Membership:" add:

Removal of Members:

Any member of the Board may, for good cause shown, be expelled from membership in the Board upon a vote of two-thirds of the total membership at a meeting called for such purpose.

Scope:

Advice from the Citizens' Advisory Board will be provided on a variety of issues in the areas of health, safety, environmental management and defense programs of LANL activities. The Board may advise on all issues including budgetary, planning, and scheduling of environmental restoration, waste management and other activities which affect the health and safety of the community, including, but not limited to the following:

Environmental Restoration

- Program and budget prioritization
- Cleanup prioritization, based upon risk
- Future land use associated with environmental restoration

Waste Management

- Long term waste management strategic planning
- Transportation of wastes and hazardous materials to and from the laboratory
- Waste minimization opportunities, stressing pollution prevention over pollution control

Defense Programs

- The maintenance, restart, or decommissioning and decontamination of contaminated facilities
- Emergency management planning

Other

- LANL operations and proposed changes in operations and their impact on other existing or proposed laboratory activities
- Protecting worker and local/regional public health and safety
- Environmental monitoring program prioritization

- Technology applications to environmental programs
- Protection and preservation of traditional culture of the area

Purposes:

The Board's purposes are to:

1. Review issues and provide constructive comments and recommendations to the DOE, EPA, and NMED on issues within the scope of the Board. These recommendations should be provided in a timely manner for use in DOE decision-making.
2. Act in its own right and be independent of other organizations, both governmental and non-governmental. The Board is non-partisan and apolitical. Board members speak as individuals and not for any group or government with which they may be associated; individual Board members will abstain from discussion and decisions on topics which may present a potential, personal conflict of interest.
3. Provide an opportunity for the public to comment on subjects of interest. The Board identifies community concerns and provides a focal point for the public to voice questions and concerns to the appropriate DOE and regulatory offices. This Board augments (not replaces) other public participation programs and groups, and ongoing Inter-Governmental relationships with local and tribal governments.
4. Serve the need for public involvement by recommending that DOE, EPA, and NMED or other appropriate entities conduct public information meetings and/or hearings as the Board deems relevant. The Board will draft a public information and education plan for the affected communities. This plan should include regular public meetings to solicit input.
5. Provide educational information and resources to the public. This may include newsletters, press releases, public meetings, or another appropriate means.
6. Be responsive to the public and seek to promote community involvement in this advisory process.

OPERATING PROCEDURES:

Membership:

The Board will be composed of 18 members, (including the Co-Chairpersons) who are residents of New Mexico, who represent and can speak for the concerns and interests of the citizens who reside in Los Alamos, Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, and Taos counties. The members were nominated initially by the Formation Committee for staggered one- or two-year terms, and appointed by the DOE. The Board shall select individuals for replacement of members leaving the Board, maintaining the broad community representation goals established herein. Subsequent terms shall be for two years; continuity and new input shall be realized by replacing no more than half of the Board each year. No individual shall be eligible for more than two consecutive terms on the Board. The Board will establish a membership replacement and adjustment process in its bylaws that fully implements the principle of balanced citizen interest representation, including gender, ethnic and economic diversity.

Removal of Members:

Any member of the Board may, for good cause shown, be expelled from membership in the Board upon a vote of two-thirds of the total membership at a meeting called for such purpose.

Conflict of Interest:

The Board will identify and avoid or mitigate conflicts of interests before considering issues. Each Board member must affirm that he/she is not biased because of past, present, or currently planned interests (financial, contractual, organizational or otherwise) which relate to discussions and recommendations by the Citizens' Advisory Board; and will not gain an unfair competitive advantage over other parties by virtue of performance on the Board. When an issue is discussed, any Board member with a potential conflict of interest, will be excused from the discussion and decision-making by the Board.

No Board member will use his/her Board membership to gain advantage in any business dealing, or to influence any legislative or administrative decision, except when authorized to act for the Board by an affirmative action of the Board or when authorized by these Operating Procedures.

Diversity

It shall be the goal of the Citizens' Advisory Board to remain a broadly diversified group, representing the interests of Northern New Mexico by providing representatives of the stakeholders, who match the demographics and ethnicity of the seven county area. There should be a reasonable gender mix: a

minimum of five males and five females. There should be a diversity of personal economic situations represented.

Ex-officio Membership:

All Board meetings are attended by non-voting, ex-officio members, who assist the Board by providing background information and technical expertise. Ex-officio members shall include responsible senior management representatives of the DOE, LANL, EPA, and NMED, who in their daily work have the authority to carry out their agencies' commitments. Senior representatives of both regulated and regulating agencies will serve as ex-officio members for their organizations. Because the comments and recommendations of the Board may be directed at their agencies, these ex-officio members shall not take part in decisions of the Board.

The Board's occupational/professional diversity includes the following representation:

- Medical/public health professionals
- Elected or appointed government officials
- Local Tribal members
- Business owners or industry representatives
- LANL employees or labor organization representatives
- Regional citizen, environmental or public interest organizations
- Teachers
- Students
- Retirees/Senior citizens
- Agriculture
- Citizens at Large

Other criteria include: age, geographic area, knowledge of issues, and technical background. All Board members must be team players, with skills and attitudes to work together.

Designated Federal Officer:

A DOE employee, who has been appointed to be the Designated Federal Officer (DFO), will work closely with the Board to support attainment of the Board's goals. It will be the DFO's responsibility to ascertain that Federal Advisory Committee Act requirements are met. The DFO shall ensure the timely provision of requested necessary background material to the Board and arranges for the responsible senior DOE and LANL management staff to attend Board meetings to listen to the views of the Board and provide additional information on topics being considered. The DFO will be the liaison between the Board and DOE

offices in Los Alamos, Albuquerque, and Washington. Under the Federal Advisory Committee Act, the DFO is required to: call, attend, and adjourn meetings; approve agendas; and maintain required records on cost and membership. The DFO may elect to share or relinquish these responsibilities with the Co-Chairpersons, as well as other responsibilities herein outlined. The DFO will provide for publication of meeting announcements in the Federal Register and in the local media, at least 15 days prior to meetings, and assures compliance with the New Mexico Open Meetings Act.

Board Member Responsibilities:

The Board and each of its members agree to:

1. Devote the time necessary, not expected to exceed 10 hours per month to attend all regular meetings, and be available for work between formal meetings (e.g., special meetings, conference calls, etc.), review materials, receive training and orientation (including team building and consensus decision making) and fully participate in Board matters.
2. Respond to concerns and questions raised by the public about Board activities and reflect concerns and questions about federal facility activities to facility representatives, as appropriate.
3. Handle in a responsible manner, information and materials provided, particularly early drafts which were developed for in-house reviews and are expected to require significant revision.
4. Represent matters of the Board accurately and appropriately, consult with their constituents, and to keep their constituents well informed.
5. Work toward consensus decision-making.
6. Be responsive to the public and promote community involvement in this advisory process. The principle mechanism for community involvement will be the open meetings and public information process. Everyone interested must be aware of the meetings and their agenda, and be encouraged to contribute their views. While not everyone will agree with all actions of the Board, opportunity will exist for voicing other opinions.

DOE, LANL, EPA, and NMED Responsibilities:

Responsible senior representatives agree to:

1. Devote the time necessary to attend all regular meetings and be available for work between formal meetings (e.g., special meetings, conference calls, etc.), review materials, receive training and fully participate in Board matters.
2. Define and clearly communicate to the Board, their respective decision-making processes. Senior technical staff who attend Board meetings shall act as liaisons to upper management, present Board recommendations to decision-making managers and carry out Department and Agency commitments.
3. Promote and facilitate access to information pertinent to topics selected for consideration within the scope of the Board.
4. Provide all information required by the Board, including unclassified portions of necessary classified documents.
5. Inform the Board of processes, projects, and activities pertinent to the Board's mission and purpose.
6. Review Board recommendations within 30 days, or other reasonable time period requested by the Board. Explain the basis for respective decisions and how recommendations will be implemented or the basis for rejection of recommendations not accepted.
7. In addition to the DFO, designate a DOE employee and one alternate who will serve as a consistent point of contact for providing information and to assist the Board in administering its operations.
8. Agree to a mechanism for recourse or conflict resolution if advice or needs of the Board are not met or responded to within 30 days, or other reasonable time as specified by the Board.

Funding:

Funding for the Board will be provided by the DOE for reimbursement of travel and other Board member expenses, meeting facilities, administrative support, and technical assistance, and (if the DOE determines that a particular individual's participation is necessary to ensure a balanced board) individual compensation. For budget purposes, the Board shall develop and submit to the DOE, an annual workplan, which identifies selected consideration topics, and expected resources required.

Board members will be reimbursed for approved travel, including per diem, but are generally not compensated for time devoted to this service. This is consistent with the DOE's general policy of no compensation for advisory board members except on a case-by-case basis, based upon the need to ensure a balanced board.

The Board will have the authority to contract for technical assistance services, including independent scientific review, and independent advisors, as determined by the Board, subject to the annual budget approved in advance by the DOE.

The DFO shall retain the fiscal responsibility for this contract. The Board will not operate as a fiscal agent for any expenditures.

Selection of Topics:

A list of potential consideration topics will be prepared from subjects within the scope of the Board, which are recommended by Board members, the DFO, and other non-voting participants. The criteria for selection and prioritization of topics shall be made by the Board and the DFO based upon: opportunity for timely advice on current and anticipated major projects, public comment needs which are not being met by other public groups, and the interests of the Board members.

Ground Rules:

Background:

This Citizens' Advisory Board provides a valuable service to the DOE and LANL by timely considering and commenting on critical DOE/LANL topics. Realizing that the Board does not provide the unique role and responsibilities of local governments, it can not usurp or diminish ongoing Inter-Governmental relationships with local and Tribal governments, or the activities of other public groups. In addition to ongoing or projected activities by other public, community, or regulatory entities, this Board provides information to interested citizens.

Information Access:

The Board shall have access to all information relevant to its work, within the bounds of existing law. The Board reserves the right to request information in the form of presentations and/or documents from any members of the staff of DOE, LANL, or other contractors and subcontractors, EPA, or NMED.

Filling Vacancies:

The Board shall continuously attempt to identify stakeholders and views not represented on the Board. The Board shall endeavor to have all local views represented by filling vacancies on the Board with individual representing these interests.

Consensus:

The Board will consider issues and work toward consensus recommendations; however, when consensus can not be achieved, majority and minority recommendations will be submitted to DOE.

Board Recommendation Process:

All comments and recommendations to the DOE shall be in writing, directed to the DFO and should receive timely and complete consideration. DOE responses shall be prompt (always within 30 days) and should contain a fair evaluation of the recommendation, scheduling implementation or explaining why the changes can not be made, as recommended. However, it is recognized that the DOE maintains the ultimate responsibility and decision-making authority at the LANL and that the Board shall have no liability for comments and recommendations rendered.

Personal Membership:

While membership on the Board is intended to represent a variety of stakeholders with respect to LANL activities, Board membership is personal and not representative. Members may not vote by proxy, and must be present to vote on Board decisions; substitutes may not replace Board members at meetings.

Meeting Attendance:

Attendance at all meetings (regular and special) is required of Board and Ex-officio members. Except for emergencies, or other compelling circumstances, a member who misses either three consecutive meetings, or five meetings over a twelve-month period, shall be deemed to have resigned from the Board, and shall be replaced by the Board.

Annual Evaluation:

The Board, in cooperation with the DFO, shall develop a process to annually evaluate the Board's effectiveness and shall publicly discuss the results.

Board Termination:

The Board will be terminated by DOE two years after it is established, unless it is determined by the Secretary of Energy that renewal is essential and in the public interest.

Meetings:**Regular and Special Meetings:**

The Board shall make efforts to conduct regular public meetings every month, but minimally, at least every two months. Regular meetings will be limited to 3

hours duration, as a maximum. Meetings should be conducted throughout the target areas of northern New Mexico.

Meeting Agenda:

An agenda which reflects issues and concerns, including but not limited to subcommittee reports and/or actions shall be developed. Each agenda will include a section for public comment. Final agenda development shall be the responsibility of the Co-Chairpersons.

Co-Chairperson Responsibilities:

The two Co-Chairpersons will run meetings efficiently and consistent with agreed upon ground rules, maintain focus on selected issues, and ensure Board maintenance through additions, replacements and removal of members. The Co-Chairpersons will act as official spokespersons for the Board. Members present at a meeting where neither Co-Chairperson is present, may elect a temporary Chair for the meeting.

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Public Participation:

Rigorous efforts will be made to encourage public participation from both formal and informal public groups. All public comments shall be treated in an unbiased, objective manner, without regard to socio-economic status, or special public interest stature.

Quorum:

A quorum for Board business requires the presence of more than half of the members. Board decisions, majority reports and administrative actions require the approval of more than half of the members present. Policy statements and contractual actions require the agreement of at least 10 of the voting members present.

Records:

The Board will document its activities, and those of its subcommittees, and ensures that these records are maintained in repositories conveniently available to the public. Said records shall be regularly disseminated to reading rooms or public libraries in Los Alamos, Española, Taos, and Santa Fe, New Mexico.