



SRS Citizen's Advisory Board

SRS Citizens Advisory Board

Administrative Committee

North Augusta Community Center

June 7, 2006

The SRS Citizens Advisory Board (CAB) Administrative Committee met on Wednesday, June 7, 2006, at 8:30 a.m. at the North Augusta Community Center, North Augusta, S.C. The purposes of the meeting were to discuss CAB administration options; approve the 2006-2007 membership selection schedule and plan; and to review the Board bylaws to ensure compliance with the most recent DOE Environmental Management charter for Site Specific Advisory Boards.

Attendance was as follows:

CAB Members

Meryl Alalof
Art Dombay
Donna Antonucci
Madeleine Marshall
Karen Patterson
Joe Ortaldo
Jimmy Mackey
Mary Drye
Joe Ortaldo

DOE/Contractors

William Spader, DOE
Yvette Collazo, DOE
Nick Delaplane, DOE
Dave Hepner, DOE
Tim Fisher, DOE
Gerri Flemming, DOE
Dawn Haygood, WSRC
John Carroll, WSRC

Stakeholders

Jack Roberts
Jim Gaver
Rick Ford

CAB Administration

Gerri Flemming, DOE, provided a presentation regarding Citizens Advisory Board Administration Options (see attachment). Ms. Flemming noted that DOE-EM had called for a change in administration of the CAB in July 2003 and a temporary exception was granted until September 30, 2006. The Assistant Secretary is requiring compliance to the original guidance by September 30, 2006. The administrative options available to the CAB are the use of a Section 8 (a) small business contract; to implement direct DOE federal administration and support of the CAB; or to establish a non-profit organization (Section 501(c) 3). Ms. Flemming stated the purpose of the meeting was to receive feedback regarding the three options. She said there is going to be a change and the CAB could look at the options with two different mind sets, that none could work or all could work. Ms. Flemming presented pros and cons for each of the options from DOE's perspective.

Small Business 8(a) Option

When asked for clarification regarding whether the small business must be an 8 (a), Ms. Flemming noted she would have to get back to the Board with that answer. Regarding the 8(a) options, Ms. Flemming noted that this option would take 30 days to execute and 30-60 days to begin support of the CAB. She commented that there may be additional costs to get the 8 (a) started but

lower overhead costs eventually. She discussed DOE's pros and cons regarding this option noting the following:

Pros

Implementation costs minimal with DOE

Removes management and high overhead costs of M&O

CAB continue to receive support from DOE employees

CAB continues to interact and obtain info from M&O

Cons

Continues indirect relationship

Madeleine Marshall commented that it is a plus to have distance from DOE, that the CAB needs to be one step away from DOE, but if you lose the people who support the CAB then you lose efficiency. DOE responded that there would be a loss of efficiency initially, but the CAB is not going to lose contact with subject matter experts on technical issues. Ms. Flemming acknowledged that there would be a lengthy learning curve. She asked that the Board focus on the process and not the personalities involved. Joe Ortaldo noted this as a big negative with the 8A- the learning curve according to him could be years not months. Jimmy Mackey asked if the CAB would have to go through an M&O to ask questions and how this would work? He stated this could turn out to be a big con rather than a pro. Bill Spader commented that most cons can be converted into action statements and DOE is looking for input in the pros and cons as well.

He admitted that there is a need to acquire a good understanding of how the CAB works today- that it needs to be charted out. Donna Antonucci stated that the learning curve is the biggest problem. She questioned if an 8(a) would be institutionally savvy regarding issues and stated she was more concerned about the technical issues learning curve. She stated the CAB has the Library of Congress at their fingertips and she relies on these people to get her the information she needs to know in terms she can understand. She reiterated that the learning curve regarding technical issues gives her most pause. Madeleine Marshall questioned why there couldn't be a split option - issues identification versus administrative duties. Bill Spader commented that DOE needs to define and segregate administrative from everything else. He said he would take all the dialogue of this meeting into consideration when making a decision.

Board members questioned who an 8(a) would report to in DOE. Dave Hepner, DOE Contracts, noted a technical representative would be assigned to ensure the proper administration of the contract- this is what is owed to DOE. He stated that the contract performance would not be evaluated on what the CAB does. Jimmy Mackey questioned if the 8(a) would be allowed to hire who they wanted-regarding the facilitator and technical advisor and what involvement the CAB would have. He questioned who would make the actual decisions and would the CAB be left out of the loop. That would have to be clarified. Jimmy Mackey questioned if the scope of work for the 8 (a) would be purely administrative. He was told there had been no decisions made on the degree of CAB input in the 8 (a). When asked what role the CAB has in the entire selection process as a whole, Gerri Flemming responded she didn't know. Bill Spader commented that nothing has been decided at this point and the scope or work cannot be worked today, that DOE is just getting feedback on all the options at this point and capturing the comments. There is a scope of work from two years ago and the decision making does ultimately reside with DOE.

Meryl Alalof asked if a task force could be created to work with DOE. Mr. Spader responded he expects CAB involvement. When asked by Mary Drye if the CAB can maintain its current staff, Mr. Spader replied he won't commit to

that. Joe Ortaldo asked if the bottom line was DOE was looking for the CAB to make a recommendation between the three options. DOE responded they are looking for input on the pros and cons. Karen Patterson questioned the date of transition noting Jeff Allison's original letter to the CAB said the administrative support could remain until the end of the contract, which has been extended. She asked why the CAB can't hold off until the actually switch the contract. Mr. Spader responded the transition must be done by September 30, 2006.

DOE Federal Administration

Gerri Flemming presented the option regarding federal administration of the CAB. She noted the following pros and cons:

Pros

- Fosters a closer, more positive relationship between CAB and DOE through direct interaction and maximum federal staff support
- Implementation cost minimal
- Removes management and high overhead costs of the M&O
- CAB continues to receive support from DOE employees
- CAB continues to interact and obtain information from the M&O

Cons

- Public may perceive that CAB is not independent of DOE influence
- CAB may perceive that DOE federal staff support will not be as dedicated, extensive, and or timely as non-federal support staff

Art Dobby questioned if the federal model did not pose a self administering issue. Mary Drye asked why this option was not a conflict of interest for DOE. Bill Spader asked what independence really means noting it really means to be objective. DOE is already providing the funding and telling the CAB what they want it to do. Jimmy Mackey commented that the public may not perceive the board as independent but some didn't now so that argument wasn't a strong one with him. As board members began to compare the 8 (a) option with federally managed, they agreed to let Ms. Flemming complete her presentation regarding the third option.

CAB as 501 © 3 Non-Profit Organization

Ms. Flemming noted this would be the CAB self administering its activities as a non-profit organization. She listed the following pros and cons associated with this option:

Pros

- Incorporation costs are minimal
- Public perceives CAB as fully independent of DOE
- CAB directly controls the allocation of funding received by DOE
- CAB directly manages needed expertise/skills procured from others
- CAB directly manages employees who work for CAB
- Removes management and high overhead costs of M&O, resulting most likely in decreased administration costs
- CAB continues to receive support from DOE federal employees
- CAB continues to interact and obtain information from the M&O

Cons

- Incorporation involves a longer time period to implement
- Volunteer CAB members may resent the additional time required of them to manage and incorporated board, creating difficulties in recruiting new members
- Requires CAB to advertise for and hire staff and or contract out to obtain administrative, facilitation, technical consulting and accounting expertise
- Holds directors and officers liable for negligence, misconduct, and false misleading statements in disclosure statements (although limited liability status, but state and federal governments can impose personal liability)

A stakeholder asked if another non-profit organization 501 © 3 could be utilized, such as the Retiree's association. The answer was yes, but DOE envisioned the CAB incorporated under this option. It was also explained that funding would be through a grant process. The Board members present agreed that this option was really a non-option for the CAB.

Joe Ortaldo commented that the CAB is not a regulatory board, but an advice board and he didn't understand the issue of independence. Karen Patterson commented that sometimes the CAB delves into things that DOE does not want them to and she wants to make sure they have a way to find out what is really going on. She said that Jim Moore and Paul Sauerborn had been the CAB's personal eyes and ears. Bill Spader commented that it was not the intent of DOE to separate the CAB from its work - that doesn't fall on the administration side of the CAB. Karen Patterson commented that if an 8(a) is not technically savvy, then she doesn't see how support can be maintained. Bill Spader replied that DOE has a responsibility to the CAB and that interface has to occur. He used Sonny Goldston's name as an example. He was asked if the Sonny's, Jim's and Paul's would still be there and he responded yes they would. Art Dombay said he felt better hearing some assurance from DOE that this support is not going away. There was some brief further discussion regarding 501 (c) 3 incorporation.

Mary Drye asked specifically if the CAB public involvement support staff would remain the same. Mr. Spader responded that these individuals should remain the same. One member asked if DOE could provide feedback on other federally managed and 8 (a) support staffed boards. DOE responded yes. When the amount of funding for the board was questioned, DOE responded the funding level would remain \$347,000 regardless of the options. DOE has maintained this level of funding for years. Art Dombay commented on cost effectiveness, stating he could see DOE federally managed support as equal to the M&O from a cost perspective. He asked for a sense regarding hourly rates, etc... Bill Spader responded that federal scope is assured and existing resources are there anyway and would continue- therefore the same resources would be used to do the work. Federal resource costs are a given. He stated there is staff in SR now that can do this. There was some discussion about DOE goals to use small businesses.

Joe Ortaldo reiterated his main concern with an 8 (a) is not administrative but he fears it would take three times longer to get information. The 8 (a) would act as a filter. Karen Patterson asked if it could be worked that the CAB has assigned WSRC and BSRI people to ensure the technical part remains with the M&O. Bill Spader agreed a contact list for DOE and WSRC points of contacts would be a good tool. Karen Patterson reiterated that the CAB does not want to have to seek out issues and needs eyes and ears at the site.

Donna Antonucci asked the members to think about the mission of the CAB and which option is more conducive to public involvement. She said this should be the first part of the decision that needs to be made versus efficiency.

Gerri Flemming noted that DOE needs input from the CAB by June 15 regarding the three options. She stated that by July 1, DOE will perform the final evaluation and inform the CAB. Board members asked what criteria are going to be used to determine the path forward. That information was not available. Karen Patterson stated she needs a list of what DOE is basing their selection on and DOE promised to provide the information. Donna Antonucci said the decision should be a philosophical one regarding the mission of the CAB. Meryl Alalof asked if one or two people could sit down with Bill Spader before July 1. Mr. Spader agreed.

Rick Ford asked if DOE had a dollar figure for total CAB costs. If not, will that cost increase be reflected in DOE's sole source contract with an 8(a), he asked. Mr. Ford stated it was a public issue regarding public costs. Mr. Spader reconfirmed that the budget for the CAB is \$347,000. Mr. Ford questioned undisclosed costs and what DOE is considering dollar costs that are unidentified. Mr. Spader stated that the Board's concern regarding access to information is a non-issue.

Jimmy Mackey commented on a memo from Assistant Secretary Rispoli to the Hanford Board regarding membership noting that he had attached a handwritten note that the SSABs were a valuable tool to give insights to DOE that they might not get otherwise.

Following a brief break, the eight CAB members present approved the 2006-2007 membership selection process and solicitation plan and agreed to bring forth a bylaws amendment proposal in July that would delete reference to returning members on the CAB since the new EM charter for the SSABs will not allow members to serve more than six years lifetime on the board.

The members also agreed to stay for a small working session to develop comments to DOE regarding the three options for CAB administration.

The meeting adjourned at 11:00 a.m.