

United States Government

Department of Energy
Office of River Protection**memorandum**

DATE: SEP 03 2015
REPLY TO
ATTN OF: ORP:KWS 15-ORP-0072
SUBJECT: RECUSAL RELATED TO VAPORS LAWSUIT

TO: J.F. Grindstaff, Co-DDFO, ORP
J.C. Peschong, Co-DDFO, RL

The U.S. Department of Energy (DOE) has conflict of interest requirements for advisory boards set forth in DOE Manual 515-1.1, Section IV, the Environmental Management Site-Specific Advisory Board Guidance, Section IV and Hanford Advisory Board (HAB or Board) Operating Ground Rules, Section XI. Those requirements are in place to help maintain the integrity of the Board's work and credibility of its work products through awareness of actual or potential conflicts of interest.

On September 2, 2015, the State of Washington filed a complaint in federal court against DOE and Washington River Protection Solutions, LLP related to vapors from the tank farms. Hanford Challenge and the Plumbers and Steamfitters, Local 598, filed a similar complaint. I am concerned that issues related to this litigation and its litigants could be discussed during HAB meetings, resulting in the unintentional violation of the conflict of interest requirements.

DOE's conflict of interest requirements establish that HAB members should recuse themselves from working on matters that have a direct and predictable effect on themselves, or their organizations; or on which they have a financial, professional or private interest; or for which they will receive tangible or intangible benefits. It is each member's responsibility to inform the HAB Chair or Deputy Designated Federal Officer (DDFO) of potential conflict so that a statement can be included in the minutes detailing the conflict and stating the action the HAB took to remove the conflict.

The Washington State Department of Ecology's (Ecology) Nuclear Waste Program, via a Memorandum of Understanding, is one of the three entities to which the HAB reports, and thus Ecology's representatives act as liaisons to the Board. The State Department of Health also serves in a liaison role to the HAB. Hanford Challenge has a seat on the HAB. Local 598 is one of the 14 unions making up the Hanford Atomic Metal Trades Council (HAMTC), which has a seat on the Board, although HAMTC did not join in the complaint. Because the HAB meeting is on September 9-10, 2015, following so closely the filing of these lawsuits, it is important to establish that these conflict of interest requirements will limit participation by representatives of organizations involved in the lawsuits, or others who feel they have an actual or potential conflict of interest. Specifically, these members should recuse themselves from participating in discussions or voting on issues related to the past and

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present handling, storage, treatment, transportation, and/or disposal of solid or hazardous waste in the Hanford tank farms, as well as issues related to the potential impacts on health and the environment due to vapors from tank wastes. In that regard, DOE presenters and liaisons too will be limited in their discussion of such topics.

The ongoing legal actions put us in an difficult situation and we appreciate the affected parties adhering to these important conflict of interest policies. As discussed in previous HAB meetings, these policies also apply to other ongoing litigation. If you have any questions about this letter, please contact me at (509) 372-2315.



Kevin W. Smith, Manager
Office of River Protection

cc: J. Hedges, Ecology
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