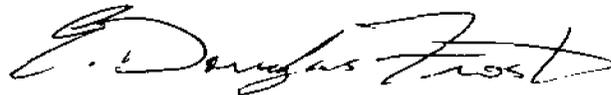


# memorandum

DATE: July 15, 2008  
REPLY  
ATTN OF: EM-13  
  
SUBJECT: Operating Ground Rules for the Hanford Advisory Board  
  
TO: Steve Wegman and Doug Shoop, Co-Deputy Designated Federal Officers

The Operating Ground Rules for the Hanford Advisory Board have been reviewed by the Office of Public & Intergovernmental Accountability (EM-13) and the Office of General Counsel (GC-77) to assure compliance with the Federal Advisory Committee Act of 1972, **5 U.S.C. Appendix 2 (FACA)**; the General Services Administration (GSA) implementing regulations, **41 CFR Subpart 102-3, (CFR)**; and the Department of Energy (DOE) Advisory Management Program Manual, **DOE M 515.1-1 (Manual)**.

These Operating Ground Rules (attached) are approved and returned to you for implementation. Any additional changes should be submitted to this office as they require my approval as the Environmental Management Site Specific Advisory Board Designated Federal Officer. If you have any question, please contact me on 202-586-5619.



E. Douglas Frost  
Designated Federal Officer  
Environmental Management  
Site Specific Advisory Board

Attachment

cc:  
C. Hymer, GC-77  
E. Olds, ORP  
K. Lutz, RL

# **OPERATING GROUND RULES HANFORD ADVISORY BOARD**

## **I. MISSION STATEMENT**

The Hanford Advisory Board -- hereafter referred to as the Board -- is a non-partisan and broadly representative body consisting of a balanced mix of the diverse interests that are affected over the short- and long-term by Hanford cleanup. The Board was created by Washington State Department of Ecology (Ecology), U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy (DOE) - also referred to as the Tri-Party agencies - to provide independent advice to all three agencies on Hanford cleanup. The Board was subsequently chartered by DOE Environmental Management Site Specific Advisory Board (EM SSAB), in accordance with the Federal Advisory Committee Act (FACA). The Board is thereby subject to the requirements of the EM SSAB Charter, FACA (5 U.S.C. App.) and its implementing regulations (41 C.F.R. § 101-6 et seq.), the DOE Manual on Advisory Committee Management Program (DOE M 515.1-1, Oct. 22, 2007), and the MOU Among DOE, EPA and Ecology Regarding the Hanford Advisory Board. Pursuant to the Memorandum of Understanding (MOU) Among DOE, EPA and Ecology Regarding the Hanford Advisory Board, the Board provides advice to all Tri-Party agencies. The primary mission of the Board is to provide informed recommendations and advice to DOE, EPA, and Ecology on selected major policy issues related to the cleanup of the Hanford site.

The goal of the Board is to develop consensus policy recommendations and advice. When this is not possible, the Board will convey its recommendations and advice in a manner that communicates the points of view expressed by all Board members.

The Board is intended to be an integral component for some Hanford tribal and general public involvement activities, but not to be the sole conduit for those activities. The Board should assist the agencies in focusing public involvement and make efficient use of Board members' time and energy. Through its open public meetings, advice on agency public involvement activities, and the responsibilities of Board members to communicate with their constituencies, the Board will assist the broader public in becoming more informed and meaningfully involved in Hanford cleanup decisions.

The Board and similar Boards at other DOE sites are jointly chartered as the EM SSAB under FACA.

## **II. SCOPE OF ISSUES**

The primary mission of the Hanford site is cleanup, which is defined herein as including both waste management and environmental restoration activities. Thus, the Tri-Parties may determine what issues are addressed and what advice is needed on all major EM policy issues to be addressed at the Hanford site. It is recognized, however, that it will not be possible for the Board to provide informed recommendations and advice on all Hanford policy issues, be they directly related to the cleanup mission or not. A fundamental responsibility of the Board is to respond to requests for advice from DOE, Ecology and EPA. The Board will provide advice and recommendations concerning EM site-specific issues as those outlined in the MOU. Therefore, annually, DOE, Ecology and EPA will provide the Board with a draft work plan and consult with Board leadership

on the major policy issues on which it is anticipated the Board's advice would be helpful. Where new or emerging issues arise throughout the year, the Tri-Party agencies may seek the Board's advice. DOE, Ecology and EPA acknowledge that the Board may identify additional issues of concern to its members, consult with the TPA agencies and provide appropriate advice.

### **III. MEMBERSHIP AND LIASION FOR AGENCY PARTICIPATION**

#### **A. Membership and Vacancies**

As stated above, the Hanford Advisory Board is a non-partisan and broadly representative body consisting of a balanced mix of the diverse interests that are affected over the short- and long-term by Hanford cleanup. The specific mix of the diverse membership and how vacancies are filled is established in the MOU.

#### **B. Sponsoring Agency and Other Liaison Participants**

In addition to the members listed above, the Board will include representatives of the three sponsoring agencies who will serve as liaisons to the Board. The term liaison is defined herein to mean that the individuals representing these agencies may participate in Board discussions and deliberations on both substantive and procedural matters. However, they will refrain from "voting" when the Board is determining what substantive advice it wishes to give or what procedural direction to take. They are "non-voting" members because it would be inappropriate for them to give advice to the agencies they are representing.

In addition to these three sponsoring agency liaisons, the Board may request that the Tri-Parties appoint additional representatives of other state and federal agencies that have regulatory or other decision making responsibilities -- such as the Agency for Toxic Substance Disease Registry, the Bureau of Land Management, and the Washington Department of Health.

Finally, from time to time it may be necessary for other Board members who represent local or tribal governments to participate in Board deliberations as liaisons in order to refrain from providing advice to an agency or governmental entity that they represent that has decision making responsibility. If this becomes necessary, the Board member will communicate this situation at the outset of deliberations on the particular issue that causes the situation to arise, or as soon as it is determined that a liaison's participation is necessary.

### **IV. EXPECTATIONS AND COMMITMENTS OF THE TRI-PARTY AGENCIES AND BOARD MEMBERS**

It is the expectation of the Tri-Party agencies that the Board will:

- be a well-informed group of local, regional, and tribal representatives who are focused on problem solving and providing input on key policy decisions;
- improve open communications between and among Board members, the sponsoring agencies, and the public at Board meetings;

- provide broader, more robust definitions of problems, priorities and alternatives;
- help the agencies reach key decisions and set priorities in an era of tight budget constraints;
- provide a forum in which the agencies are publicly accountable for progress on Hanford cleanup and compliant with all applicable state and federal laws;
- provide a forum that can complement and help focus, but not duplicate or supplant other Hanford public involvement activities; and
- advise agencies on how to coordinate and carry out these activities in ways that maximize public involvement opportunities and minimize unnecessary duplication and conflicts in scheduling and contribute to agency decisions that better reflect the principles and values of all of the diverse Hanford interests.

The Board requests that the Tri-Party agencies, either in concert or individually, will:

- assist the Board in accomplishing its mission and fulfilling the expectation of Board members as outlined below;
- not attempt to control the recommendations of the Board;
- treat Board members with candor and respect;
- listen to and try to understand Board members' views;
- honor, respond and give serious consideration to the views, recommendations and advice of the Board in agency policy development, decisions and actions;
- utilize the Board as an integral component of Hanford public involvement activities to help minimize unnecessary duplication;
- provide sufficient notice (preferably through the work plan) to the Board regarding emerging issues and imminent policy decisions in time for the Board to provide recommendations and advice on the decision and/or the manner in which the broader public should be involved in the decision;
- provide information on budget matters so as to enable the Board to play a meaningful role in budget priorities;
- respond in writing to all written recommendations of the Board in a timely fashion, stating the manner in which Board recommendations were incorporated into agency decision-making processes and, if applicable, the reason(s) why Board recommendations were not adopted or followed and wherever possible affording the Board opportunity to correct information, reply to, or have a dialogue regarding the agencies' responses prior to final agency action;
- invite and encourage other agencies involved in issues being addressed by the Board to either

participate or interact with the Board;

- work with the Board to provide funds for independent technical assistance, staff and other administrative support, facilitators, and access to information and agency personnel;
- provide senior agency managers (such as the Manager of the Nuclear Waste Program of the Washington Department of Ecology, the Program Manager of the Hanford/Idaho National Laboratory Project Office of EPA Region 10, and a Deputy Designated Federal Officer for DOE's Richland Operations Office and Office of River Protection) to attend and participate in Board meetings, along with whatever additional agency staff may be necessary and helpful, without overburdening the Board with agency staff participation; and
- help Board members develop clear and understandable information to Board members' constituencies and to the general public.

It is the expectation of Board members and/or their alternates that their fellow members and/or alternates will:

- attend and participate actively in meetings, read and come to meetings prepared to comment on documents, and be available for work between formal meetings; and
- represent information, especially information contained in draft documents, accurately and appropriately, consult with their constituencies, and keep their constituencies well informed.

## **V. DECISION MAKING**

### **A. Major Policy Recommendations**

The Board will operate by consensus in seeking to determine what advice the Board as a whole wishes to convey to the Tri-Party agencies on selected major policy issues. In agreeing to operate by consensus, the Board also agrees that it will try to avoid spending an inordinate amount of time striving to achieve consensus on any selected major policy issue at the expense of striving to achieve consensus on other major policy issues. The Board may not hold a full Board meeting either in the absence of a quorum, which is at least half of the members or their alternates, or when the DDFO, or representative appointed by the DDFO, is not present.

The Board also recognizes that there are several levels of consensus that may be possible. The first is unanimous agreement among all Board members on the advice to convey. The second is a consensus that can be characterized as all Board members being willing to "live with" a proposed set of advice. The third is one or more Board members registering dissent, but not wishing to block the Board from providing advice that might otherwise be characterized as a consensus of the Board, but for their dissent. In conveying consensus advice to the agencies, it will be incumbent upon the Board and its chair to accurately describe the level of consensus that has been achieved.

In addition to expressing consent or dissent regarding items proposed for consensus, Board members are free to abstain or "stand aside" from the determination of consensus, if they have a conflict of interest that would prevent them from offering such advice, if it is not part of the mission

or role of their appointing organization to participate in discussions on the topic being proposed for consensus, or for whatever other reasons they may choose. It is the responsibility of each Board member or alternate to affirmatively state their desire to abstain from participating in the determination of consensus, if they choose to do so.

In those instances where Board members have strongly held views on a subject that is of vital importance to the interests that they represent, they can block consensus if they believe these views are not adequately addressed by the proposal put forth by other Board members. The Chairperson, facilitator, and staff (see Section VI) will rely on Board members to voice their dissent if they do not agree with a particular policy recommendation that has been proposed by another Board member or members. If consensus cannot be reached, and the Board still wishes to convey advice to the Tri-Party agencies on the issue, the views of Board members may be expressed through majority and minority reports, at the option of those Board members who are in the minority.

Board policy recommendations can be conveyed orally, during the course of Board meetings, or in writing through reports and policy papers. If the Board wishes to convey a recommendation orally through discussions at Board meetings, these recommendations will be recorded in the written summary of the Board meeting at which they were conveyed (see Section IX.B.).

It is understood that a Board member or alternate's absence from a meeting does not imply consent to any recommendation. However, it is the responsibility of each Board member to review the draft meeting summary or written report through which a proposed or draft consensus is characterized, and voice their dissent, if they so choose, prior to or at the next meeting of the Board.

In no instance shall the Board convey consensus policy advice, or characterize its advice as being a consensus of the Board, unless there exists a quorum of at least half of the non-liaison members or alternates in attendance at the meeting at which consensus is being determined.

Modification of these Operating Ground Rules shall be considered a major policy decision and shall follow the procedures established for such in this section.

## **B. Major and Minor Procedural Decisions**

Throughout its deliberations, the Board will need to make major and minor procedural decisions. Similar to selected major policy issues, for major procedural decisions the Board will operate by consensus. Major procedural issues include such issues as whether to create Committees or other subunits of the Board, the frequency of Board meetings, changes in Board leadership or membership, changes in the Board's Operating Ground Rules, etcetera. If the Board is unable to achieve consensus on a major procedural issue, then a two-third majority vote will determine whether the Board will follow a proposed course of action, so long as there exists a quorum of Board members or alternates that consists of at least one-half of the full number of Board seats.

In the case of minor procedural issues, such as precise meeting dates and locations, the appropriate date for completing an advance mailing to the Board, etcetera, the Board will also strive to achieve consensus where possible or appropriate. If consensus on such issues is not possible or appropriate, the Chair will decide what course of action to follow.

The Chair will also decide whether procedural issues can be considered major or minor. For major issues, the Chairperson will ensure that the decision making process outlined above is followed. For

minor issues, the Chairperson will be expected to act on behalf of the interests of the full Board in making a decision. Members of the Board are responsible for communicating to the Chair any concerns they may have about these decisions. If a dispute arises as to whether a particular procedural issue should be considered major or minor, this dispute will itself be considered a "major procedural issue" and will be resolved in accordance with the process outlined above for such issues.

## **VI. ROLES AND RESPONSIBILITIES**

### **A. Chair and Vice Chair**

1. The Chair shall be appointed by the sponsoring Tri-Party agencies, based on the advice and recommendations of Hanford stakeholders. The Chair will be responsible for protecting the interests of all Board members and will act in a fair and balanced manner with respect to the Board's operation, the conduct of Board meetings, and all other activities associated with the Chair's involvement with the Board.

The Chair, with the assistance of a facilitator and/or Tri-Party agency staff will strive to determine the views of all Board members regarding Board advice on major policy issues and the determination of what course of action to follow on major procedural matters. The Chair will work to achieve a consensus among all Board members on such issues and matters, to the greatest extent possible, but to also understand when consensus is not possible and some other course of action is necessary.

The Chair will have the authority to represent and convey the views of the Board before the sponsoring agencies, and upon request, before elected officials and in public settings, such as before Congress and State Legislatures. With the assistance of a facilitator and/or agency or other support staff, the Chair will be responsible for ensuring the development of meeting agendas that reflect the issues of concern to Board members and the sponsoring agencies. The Chair is also responsible for producing and certifying that the meeting minutes accurately reflect the content of full Board deliberations within 45 calendar days of a meeting to which they relate. In the absence of the Chair and Vice Chair, the DDFO must certify the meeting minutes.

The term of office of the Chair will be for two years, with opportunity for reappointment for no more than two additional terms of two years each. Should a Board member believe that the Chair is not performing in a fair and balanced manner, it is the responsibility of the member to raise their concerns to the Chair, to the full Board, or the representatives of the Tri-Party Agencies for consideration.

2. A Vice Chair will be selected by the Board to serve in the absence of the Chair.

The term of office of the Vice-Chair will be for two years, with the opportunity for reappointment for no more than two additional terms of two years each.

### **B. Board Members and Alternates**

With the exception of the at-large members, Board members are responsible for representing the

interests and concerns of the organizations, institutions, or constituencies that have appointed them. Therefore, Board members will be expected to consult with these entities and constituencies on a regular basis concerning the discussions and recommendations of the Board. At-large members may consult with other individuals or organizations to assist them in assessing and defining the interests of the public at large but are not expected to do so.

Board members are expected to attend as many of the Board meetings as possible. If a Board member or their alternate(s) are absent for more than 25% of the meetings annually, or for three consecutive Board meetings, they shall be considered for replacement.

Each member may designate a primary alternate who may attend Board meetings or meetings of subunits of the Board in the event the member cannot attend. When necessary and appropriate, additional alternates may be designated to form a team of individuals who can represent the interests and concerns of the appointing organizations, institutions, or constituencies in the various activities of the Board. When a vacancy occurs in a Board member seat, the vacancy will be filled in accordance with the MOU.

Board members or their alternates will be expected to participate actively in meetings, to read and be prepared to comment on documents, and be available for work between formal meetings in accordance with FACA (e.g., meeting of subunits, conference calls, etc.). In addition, Board members will seek to offer sound, quality recommendations to the sponsoring agencies on issues of importance to the Board and the agencies. In striving to achieve consensus on major policy and procedural issues, Board members will listen carefully to the views expressed by other Board members and seek to find ways to reconcile those views with their own, without entering into positions that might cause them to compromise on matters of principle or fundamental importance to interests that they have been charged to represent.

Board, committee, and task force members are required to follow applicable Federal travel regulations. All travel expenses must be submitted to the DDFO for reimbursement according to Federal guidelines.

### **C. Tri-Party Agency Representatives and Staff**

The Department of Energy appoints a Designated Federal Officer as required by the Federal Advisory Committee Act. The Richland Operations Office and/or the Office of River Protection, in consultation with Department of Energy Headquarters, appoints a DDFO to serve the function of a Federal officer in accordance with FACA.

The sponsoring Tri-Party agencies each appoint a senior agency manager to represent the agency in Board meetings and other important Board activities. As of the date of the initial convening of the Hanford Advisory Board, such senior representatives included the Assistant Director for Waste Management of the Washington Department of Ecology, the Waste Management Division Director of Region 10 of the U.S. Environmental Protection Agency, and the Deputy Site Manager of the Department of Energy's Richland Operations Office.

Each agency may also appoint a primary alternate who will attend Board meetings and represent the agency in the absence of the designated senior representative. In addition, it is the commitment of each agency, as resources permit, to ensure that appropriate agency staff are in attendance at Board meetings, and subunits of the Board, in order to be responsive to Board needs without

overburdening the Hanford Advisory Board process with agency staff participation.

As noted above, Tri-Party agency representatives will not participate in Board decisions regarding advice on major policy decisions (i.e., they will not provide advice to themselves). Tri-Party agency representatives may, however, participate in Board decisions regarding major and minor procedural matters, but they will not attempt to control the decisions of the Board. Agency representatives agree to listen and attempt to understand Board members' views on major policy issues and procedural matters.

The Tri-Party agencies will respond in writing to all written recommendations of the Board, stating the manner in which Board recommendations were incorporated into agency decision-making processes, and if applicable, the reasons why. The agencies will provide written responses to all written recommendations of the Board in a timely manner, wherever possible affording the Board opportunity to correct information, reply to, or have a dialogue regarding agency responses prior to final agency action.

In addition, the Tri-Party agencies will strive to provide sufficient notice to the Board regarding emerging issues and imminent policy decisions in time for the Board to provide recommendations on the decisions and/or on the manner in which the broader public should be involved in the decision. The Tri-Party agencies will work with the Board to provide funds for independent technical assistance, staff and other administrative support, facilitators (if necessary), and access to information and agency personnel.

#### **D. Facilitator(s) and Other Support Staff**

The role of a neutral third party facilitator and support staff, if utilized, is to assist the Chair and the Board to accomplish the Board's mission. In all instances the facilitator shall operate in a completely neutral, balanced, and fair manner. The agencies will work in cooperation with the Board in choosing its facilitator. Specific tasks that a facilitator might be asked to accomplish are developing draft meeting agendas, assisting the Chair in conducting and otherwise managing Board meetings and deliberations, consulting with the Chair and Board members between meetings about how to manage the process and resolve substantive and procedural issues of concern, and preparing draft and final meeting summaries and other Board documents.

Other support staff may either be provided by the sponsoring agencies or asked to be involved in board activities by the Chair and/or the Board. The role of such staff shall generally be to support the Chair and the Board in accomplishing the Board's mission. The specific tasks of such staff shall be specified at the time that they are asked to be involved in the Hanford Advisory Board process.

### **VII. FUNDING CONSIDERATIONS**

Funding for the Board's activities and operations will be provided by the U.S. Department of Energy.

The Department of Energy, as required by FACA, provides funding levels adequate to cover or provide:

- technical assistance sufficiently adequate for independent review of all major policy issues in the work plan that the Board believes warrant independent technical advice or review prior to the

Board rendering advice.

- facilitation assistance;
- administrative assistance;
- meeting costs and costs associated with Board member travel and a reasonable reimbursement of incidental incurred expenses through a per diem;
- preparation of information on key technical policy questions and technological issues. These resources shall be used by the Board to prepare materials that will be easily understood by the public, with provision for adequate dissemination of such information to the public and to constituencies represented by the Board.

Annual funding levels will be determined through annual consultation between the Board and the Tri-Party agencies, and will be based upon a proposed budget presented by the Board. The Board will determine how to prioritize expenditures within its total annual budget.

## **VIII. STRUCTURAL COMPONENTS: EXECUTIVE COMMITTEE, OTHER COMMITTEES, WORK GROUPS AND TASK FORCES**

From time to time the Board may wish to create subgroups or subunits of various kinds to ensure the efficient and successful accomplishment of its mission.

### **A. Executive Committee**

One such subunit may be the establishment of an Executive Committee. Unless otherwise determined by the Board, the role and function of the Executive Committee is to help the Chair make decisions on procedural matters between Board meetings (such as the agenda for upcoming Board meetings, meeting dates and locations, etc.), to consult with the Chair regarding efforts to resolve substantive policy issues between and during Board meetings, and, along with the Chair, to represent the Board before the sponsoring agencies, and upon request, elected officials and legislative bodies.

If formed, the Executive Committee shall consist of the Chair, Vice Chair (if applicable), and a number of other Board members to be determined who represent a cross-section of the Board's membership. These members will be selected in accordance with a nomination and, if necessary, voting procedure to be determined by the Board. Where necessary and appropriate, a representative of each of the Tri-Party agencies will also attend and participate in Executive Committee meetings and deliberations.

The Executive Committee shall have no authority to act for the Board on any motion or recommendation that affects a decision made by the full Board. Any motion or recommendation affecting a decision of the Board shall be submitted by the Executive Committee to the Board for consideration at the next regularly scheduled Board meeting.

### **B. Other Board Committees and Work Groups**

The Board may also wish to create committees to address issues of an ongoing nature. Unless

otherwise determined by the Board, membership in Board committees shall be limited to Board members and alternates and, typically, should not exceed fifteen persons.

Each committee shall select a chair and vice-chair, who will serve at the pleasure of the committee. The committee shall determine the selection process. An effort should be made to achieve committee consensus on the chair and vice-chair and every effort should be made to ensure full participation of the committee in the selection process. As a minimum, a majority vote shall be required. Voting on the committee chair and vice-chair shall be by only those committee members listed on the committee roster at that point in time. Where a Board seat is represented by two or more people, there shall be only one vote for that Board seat. Every effort should be made to secure the vote of absent committee members. The selection of a committee chair shall be announced at the subsequent Board meeting and shall not require Board approval.

In addition, the Board, or one of the Board's committees may wish to form smaller work groups to develop specific work products or to discuss specific issues that are of a time sensitive nature and fit within the overall scope of issues to be addressed by the Board.

Board committees and work groups shall not have the authority to issue advice directly to the Tri-Party agencies. Rather, they will develop draft proposals regarding such advice for consideration by the full Board in accordance with ground rules specified herein. The Chair and the Board as a whole shall make every effort to ensure that Board committees, and where necessary and appropriate, Board or committee work groups, represent a diversity of views that are concerned with focus of that subgroup.

### **C. Task Forces**

As another component of its operation, the Board may wish to form, or recommend the formation of, task forces to address issues that are either time dependent, or more narrowly focused than its primary mission. As used in these ground rules, the term task force is defined as a body whose membership may be drawn from individuals and organizations that do not participate directly on the Hanford Advisory Board, as well as from within the Board. Non-Board members shall be allowed to vote in task force meetings, but shall not hold task force leadership positions.

The established task force would operate similar to a Board committee or work group in that it would not provide advice directly to the Tri-Party agencies, but rather would develop draft proposals regarding such advice that would then be considered by the Board in accordance with the ground rules specified herein.

Individuals outside of the Board who are asked to participate in such task forces should have a clear and present interest in the issues to be addressed and a willingness to devote the time and resources necessary to effectively participate in the process. The DDFO approves recommendations for participation by non-Board members.

## **IX. MEETINGS, PUBLIC INVOLVEMENT, AND PRESS INQUIRIES**

### **A. Open Meetings/Opportunity for Public Comment**

All meetings of the Hanford Advisory Board itself, and its work group, committee and/or task force meetings shall be open to the public and shall be conducted in accordance with the Federal Advisory

Committee Act. Observers, alternates, and members of the public are welcome to attend all meetings of the Hanford Advisory Board and its subgroups. The public will be given reasonable notice as to when Board meetings or subgroup meetings will be conducted. Public notices will be published in the Federal Register at least fifteen (15) days prior to a Board meeting. The public will be given the opportunity for at least one formal comment period during the course of each of these meetings. Other opportunities for public comment will be offered at the discretion of the Chair. Board meetings will be held at regular times in public locations to encourage maximum public and Board participation.

## **B. Public Participation Plan, Mailing List of Interested Persons, and Public Notice**

The Tri-Party Agencies, based on advice from the Board, may develop a public participation plan regarding Board activities that is compatible with the Tri-Party Agreement public participation plan. An official from one of the sponsoring Tri-Party agencies, or a contracting entity that is directly responsible to a Tri-Party agency, maintains a mailing list of persons interested in the activities of the Hanford Advisory Board. This mailing list is used to provide notice of all meetings of the Board. Notice is provided no less than thirty days prior to the date of the meeting. Where necessary and appropriate, notice should also be made through advertisements in major newspapers and posted on the web.

## **C. Press Inquiries/Contacts**

In responding to inquiries from the press or other media representatives, Board members agree to refrain from characterizing the views or opinions expressed by other Board members and to exercise comity and appropriate restraint in commenting on the Board's deliberations and processes. Formal Board recommendations issued in writing will be made available by DOE to the press and general public, along with minutes of Board meetings that have been approved by the Board. This material will also be posted on the web.

## **X. ACCOUNTABILITY AND MUTUAL RESPONSIBILITIES**

The Board will maintain a written record that will accurately summarize the content of and any decisions made by the Board at Board meetings. This written summary will be prepared in draft form and all Board members will be provided an opportunity to suggest revisions and changes to a draft meeting summary if they do not believe it accurately portrays the content of the Board's deliberations. Once approved as final and certified within 45 calendar days of the meeting to which they relate, meeting minutes will be available to the public upon request and posted to the web.

The Chair and each member of the Board have a joint responsibility for assuring that these operating ground rules are observed. Board members are encouraged to bring concerns regarding the operating ground rules, and adherence thereto, to the attention of the Chair for consideration of possible revision or other appropriate action. Since the success of the Hanford Advisory Board depends upon the cooperation and effective communication between and among its members, Board members and Tri-Party agency representatives agree to:

- listen carefully to each other and not interrupt;
- adhere to the ground rules and respect the procedural guidance and recommendations of

the Chairperson;

- avoid personal attacks; and
- avoid characterizing the views or opinions of another Board member outside of any Board meeting or activity.

The Chair and each member of the Board also have a joint responsibility to ensure that the aspects of the Board's mission that pertain to broader public involvement in the Hanford Advisory Board process and, more importantly, the Hanford cleanup decision-making process, are accomplished.

At the end of each year of operation, or at other times if necessary, the Board will evaluate and, if necessary, revise these ground rules with the objective of ensuring an efficient and fair process.

Finally, the Chair and each member of the Board have a joint responsibility to periodically and honestly evaluate the effectiveness of the Board in accomplishing its mission, the degree to which the Board's mission is still necessary and relevant, and through such an evaluation to determine whether the Board should continue to exist.

## **XI. CONFLICT OF INTEREST**

Board members are prohibited from personally and substantially participating as a Board member in any particular matter in which the Board member or the Board member's spouse, minor child, general partner, or employee has a financial interest. This restriction also applies if the Board member is negotiating or has any arrangement concerning prospective employment with any person or organization that has a financial interest in any particular matter before the Board.

Questions concerning conflict of interest shall be referred to the DDFO, who will seek the advice of legal counsel, for resolution.

If a Board member is aware of a conflict of interest, as defined above, the member shall immediately inform the DDFO and the Board of the interest and shall refrain from participating in discussions and recommendations in which a conflict or potential for conflict of interest exists.

Board members shall abide by the following conflict of interest principles:

- Members shall refrain from any use of their membership, which is or gives the appearance of being motivated, by the desire for private gain for the member or anyone else;
- Members shall not use, either directly or indirectly for private gain, any non-public information obtained as a result of Board or Committee service;
- Members shall not use their positions in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom the member has family, business, or financial ties;

## **XII. REVISING THE OPERATING GROUND RULES**

The Board shall have the power to alter, amend, and repeal these operating procedures in ways consistent with the Amended Charter of the EM SSAB, EM SSAB Guidance, and other applicable laws, regulations and guidelines. Any member of the public, the Board, or one of the Agencies may propose an amendment to the operating procedures. However, to be considered by this Board the proposed amendment must be sponsored by a Board member. The Board may consider and take action on the amendment to the operating procedures at the meeting following the introduction of the proposed amendment. Amendments require the affirmative vote of two-thirds majority of the membership of the Board.

These operating procedures will be effective upon the affirmative vote of at least two-thirds of the Board members, execution by the Chair, and approval by the Designated Federal Officer in consultation with DOE's Office of General Counsel. All previous bylaws or procedures are hereby rescinded.

If a conflict arises with respect to any provision of these ground rules, Federal law or regulation, the DOE Manual, the EM SSAB Charter, or the MOU shall control. In the event that any provision of these operating procedures is invalid, such invalidity shall not affect the remaining provisions that shall continue in full force and effect.