

MEMORANDUM

TO: EARIP PARTICIPANTS

FROM: POR WORKGROUP, through Myron Hess

RE: UPDATE ON PROPOSED PROGRAM OPERATING RULE CHANGES

DATE: MAY 8, 2009

This Memorandum to the EARIP is the updated report of the POR Work Group. This report and the accompanying proposed revisions to the Program Operating Rules (POR) are scheduled to be discussed, and acted upon, at the May 14, 2009, meeting of the EARIP.

1. **Background.**

The Program Operating Rules Work Group has developed recommended changes to the rules for consideration by the EARIP. Because the Work Group did not have a quorum at its last meeting (with only 4 of the 5 Work Group members being able to attend) sufficient to make a formal Work Group recommendation, these changes do not currently represent a formal consensus recommendation. The POR Work Group anticipates meeting again immediately prior to the EARIP meeting and will attempt at that time to develop a formal recommendation.

Two documents are included with this Memorandum. One document shows all of the changes that are being recommended as compared to the current version of the rules. Language proposed for addition is shown with ~~strikeout~~ and language proposed for addition is shown with underlining. That document also includes a brief explanation, shown in *bold, italicized* text, following each proposed change. The second document shows the rules as they would read with all of the proposed changes approved.

Most of the proposed changes have previously been discussed at the EARIP meeting in February 2009 and most did not generate any comment at that time. This Memorandum updates our POR Work Group's February 12 report to the RIP and provides only a brief summary of those additional revisions proposed subsequent to the February 2009 meeting. Only substantive, non-routine revisions are referenced in this Memorandum. Participants are encouraged to review the accompanying documents in order to understand all of the changes, both substantive and nonsubstantive, being proposed.

2. **Proposed Additional Non-routine Changes to the PORs.**

Subsection 2.3: This new Subsection addresses the uncertainty that has been expressed about how the rules might affect discussions of RIP matters among RIP Participants outside of RIP meetings, or between RIP Participants and outside parties. The language offers a clarification of intent.

Subsection 6.2: The changes to this provision, setting out the duties of the Chair, recognize the need for the Chair to meet with elected and appointed officials, among others, on matters related to the RIP. The new language would require prior notice to the Program Manager for any such meeting. However, the Work Group points out that the interaction of the provisions in Subsection 2.3 and Subsection 6.2.8 would allow for the possibility of some meetings in the absence of such prior notice, if prior notice is not reasonably feasible.

Subsection 7.13: This new Subsection would provide flexibility for the facilitation process. The Facilitation Work Group contacted some experienced facilitators in order to get input about how to fashion a request for proposals. The input indicated that some facilitators might recommend procedures not consistent with applicable provisions in the the current Rules. This new Subsection would allow the Steering Committee, as a Tier 1 Decision, to authorize procedures consistent with the recommendations of an independent Facilitator without going through a formal Rules amendment process. The adoption of new Subsection 7.13 would not authorize any departure from the Rules without subsequent action by the Steering Committee.

Subsection 8.1: The revision establishes an aspirational goal of ensuring that Subcommittee and Work Group appointments reflect, to the extent relevant to the charge to the group, the diversity of interests of the Participants. The language does not purport to create an enforceable requirement.

Subsection 8.12: This new Subsection provides for designation of alternate members for Subcommittees and Work Groups. It does not authorize the formal designation of alternates for the Expert Science Subcommittee (ESS). At the February RIP meeting some Participants expressed concern about not authorizing alternates for the Expert Science Subcommittee because an “informal” process of sending a representative to make comments or take notes had been used in the past for that Subcommittee. The Work Group discussed the ESS alternate issue at length. In the end, however, we decided to retain our original recommendation that the Rules should not authorize the formal designation of Alternate Members for the ESS. It is our understanding that Subsection 8.12, as revised, would not prevent the continuation of the informal process used in prior ESS meetings. Consistent with that past practice, an informal ESS alternate would serve only occasionally, on the rare occasions when the regular ESS member is unavailable, would not be counted in determining a quorum, and would not be authorized to vote.

Subsection 9.2: The revisions to the “responsibilities,” now “duties,” of the Program Manager are intended to correspond with the changes proposed in Subsection 6.2 for the duties of the Chair, including the duty to meet with elected and appointed officials.