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June 18, 2001

A. Alan Moghissi, Ph.D., President
Institute for Regulatory Science
5457 Twin Knolls Road, Suite 408
Columbia, MD 21045

RE: NMED Sponsorship of RSI Peer Review of DOE's Remote Handled Waste Program

Dear Dr. Moghissi:

Thank you so much for taking time out of your schedule to have what I believe was a very productive meeting with my staff and me last Friday in Albuquerque. In that meeting, I gained a much better understanding of the peer review process, and how it may be applied to a variety of situations, including to technical issues posed by a proposed Resource Conservation and Recovery Act (RCRA) permit modification. I came away from our meeting convinced that independent peer review is a tool that should see wider application in environmental regulation.

After giving the matter extensive thought, I have decided that the New Mexico Environment Department (NMED) will not serve as a sponsor of the Institute for Regulatory Science (RSI) peer review of the Carlsbad Field Office's (CBFO) proposed remote-handled (RH) transuranic waste program. Instead, NMED will limit its participatory role to that of observer. This will allow NMED to maintain sufficient regulatory independence from the conclusions and recommendations published in the review panel's final report when considering the merits of the RH waste permit modification. I fully expect that the final report to be generated from the peer review process will serve to frame the technical issues raised during the permit modification public comment periods, and will be cited frequently by all parties during the RH waste public hearing.

NMED wholeheartedly supports the principles of independent peer review, and commends CBFO for subjecting their draft RH waste program to this rigorous process prior to formal submittal to our agency for regulatory consideration. Based upon the impressive background of

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your organization, I am confident that the peer review panel you convene will provide an unbiased, independent, and accurate assessment of the scientific and technical merits of their proposed program. I also believe that the eventual permit modification submitted to NMED by CBFO will be substantially enhanced as a result of incorporating the recommendations of the review panel.

If you have any further questions regarding my decision, please contact me at (505) 827-2855.

Sincerely,



Peter Maggiore
Cabinet Secretary

PM:soz (HWB)

cc: Paul Ritzma, NMED
Greg Lewis, NMED
James Bearzi, NMED HWB
Steve Zappe, NMED HWB
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