Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
July 18, 2001

Mr. Peter Maggiore, Secretary
New Mexico Enivronment Department
Harold S. Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87505-4182

Dear Mr. Maggiore:

The U.S. Department of Energy's (DOE) Carlsbad Field Office (CBFO) has asked the American Society of Mechanical Engineers and the Institute for Regulatory Science to perform a peer review of plans for managing remote-handled (RH) transuranic (TRU) waste for disposal at DOE's Waste Isolation Pilot Plant (WIPP).

DOE currently disposes of contact-handled TRU waste under a compliance certification from the U.S. Environmental Protection Agency and a hazardous waste facility permit issued by the New Mexico Environment Department.

Before RH-TRU waste disposal operations can begin at WIPP, both EPA and NMED must approve the DOE RH-TRU program.

The peer review panel will evaluate DOE's proposed plans against applicable technical, legal, and regulatory requirements for characterizing and disposing of TRU waste. Characterization is a set of activities to identify the physical, chemical and radiological properties of the waste before it is shipped to WIPP.

As part of the review, the panel will hear a series of technical overviews at a topical workshop on Monday, July 30 through Wednesday, August 1, 2001, at the Pecos River Village Conference Center in Carlsbad, New Mexico.

All sessions of the workshop are open to the public. The Wednesday morning session has been set aside for stakeholder presentations. You and other members of your organization are welcome to participate either as presenters or observers.

Guidelines for participation, criteria to be addressed during the meeting and a registration form are enclosed. The registration form should be returned no later than July 25, 2001, to: Institute for Regulatory Science, 5457 Twin Knolls Road, Suite 408, Columbia, MD, 21045, Attention: Sharon D. Jones. Ms. Jones may be reached by phone at (301) 596-1700 or fax number (301) 596-1707, with further questions.

Sincerely yours,

Inés R. Triay

Dr. Inés R. Triay
Manager

CBFO:OPA:LMK:GS:01-0127:UFC 1200.00

010751

cc: James Bearzi
Steve Holmes
Greg Lewis
Paul Ritzma
Steve Zappe

CBFO:OPA:LMK:GS:01-0127:UFC 1200.00

INSTITUTE FOR REGULATORY SCIENCE
ON-SITE REGISTRATION FORM
ASME/DOE PEER REVIEW

Carlsbad, NM
July 30 – August 1, 2001

Last Name First Name MI

Name As You Would Like it to Appear on Name Badge

Affiliation

Business Address Street Suite/Floor

City State Zip Code

Job Title

Business Phone Number Business Fax Number

E-Mail

INSTITUTE FOR REGULATORY SCIENCE
STAKEHOLDER PARTICIPATION IN PEER REVIEW MEETINGS

GUIDANCE FOR STAKEHOLDERS PARTICIPATING IN ASME/RSI PEER REVIEW MEETINGS

The American Society of Mechanical Engineers (ASME) and the Institute for Regulatory Science (RSI) have joined forces to provide peer review services to various government agencies. The decision to ask for the participation of stakeholders rests with the agency sponsoring the peer review. When such participation is authorized by the agency, the ASME/RSI team encourages the participation of stakeholders not only as observers, but also as active participants. The details of ASME/RSI peer review may be found at www.NARS.org.

The peer review is performed by a Review Panel consisting of individuals whose qualifications for the specific review have been approved by the ASME's Peer Review Committee. All presentations, statements, and discussions are intended to benefit the Review Panel in its deliberations, which result in the *Report of the Review Panel.* There is ample evidence suggesting that participation of stakeholders enhances the outcome of certain activities, notably peer reviews.

All peer review meetings are normally chaired by a representative of the Peer Review Program. All segments of a peer review meeting, except the executive sessions of the Review Panel, are open to the public. Stakeholders can attend these meetings, provided the following criteria are met:

1. Consistent with the tradition of professional societies, all attendees must register. All registered individuals will be provided a name tag, which must be worn while attending the meeting. All registrants will receive a registration package, which includes the list of review criteria provided to the Review Panel. There is no registration fee for these peer review meetings.

2. During the meeting, all attendees may ask questions of the speakers. These questions are limited to clarification of specific issues presented by the speaker.

3. A segment of the meeting has been slated for comments by stakeholders. Those making statements should be aware that their comments should be directly related to a specific review criterion. General statements that are not related to the review criteria are not considered by the Review Panel and thus, cannot be permitted.

4. Due to time constraints, lengthy statements should be avoided as there may not be enough time to accommodate all who wish to participate. Therefore, stakeholders designated by the sponsors of the peer review will be provided specific times with a specific duration in the program to state their case. All other stakeholders wishing to make a statement should limit their statements to only a few minutes to allow as many people as possible to make their concerns and questions known during the time allotted for stakeholders' comments.

5. Members of the Review Panel may ask questions from all speakers, including those asking questions. However, no question may be directed to the members of the Review Panel.

6. The Chair of the peer review meeting will be responsible for ensuring that the audience adheres to these requirements.

R-03
Revised 06/05/01

Extracted from Betty R. Love et al., "Handbook of Stakeholder Participation".

PEER REVIEW CRITERIA

REQUIREMENTS FOR DISPOSAL OF REMOTE-HANDLED TRANSURANIC WASTES AT THE WASTE ISOLATION PILOT PLANT

1.Is the draft *RCRA Class 3 Permit Modification* optimized in format and content to facilitate the regulatory review and approval process?

2.Are the parameters—for which RH-TRU waste will be analyzed—appropriate, and the rationale for the selection of these parameters adequately justified in the draft *Request for RCRA Class 3 Permit Modification*?

3.Is the acceptability of relying on acceptable knowledge (AK) as the sole analysis tool to meet characterization requirements chosen in the draft *Request for RCRA Class 3 Permit Modification* consistent with relevant regulations as interpreted jointly by the U.S. Environmental Protection Agency (EPA) and the U.S. Nuclear Regulatory Commission (NRC)?

4.Is AK alone sufficient to meet the Data Quality Objectives (DQO)?

5.Does the draft *Request for RCRA Class 3 Permit Modification* make a clear distinction between characterization activities using AK versus supplementary; confirmatory; or verification activities involving physical and other measurements?

6.Is the application of the Performance-Based Measurement System approach consistent with the relevant EPA's guidance on performance-based measurement systems?

7.Does the draft *Request for RCRA Class 3 Permit Modification* present an RH-TRU waste characterization program that is consistent with the recommendations of the National Research Council?

8.Does the *Waste Analysis Plan* included in the draft *Request for RCRA Class 3 Permit Modification* meet the requirements for characterizing hazardous waste?

9.Does the *Waste Analysis Plan* included in the draft *Request for RCRA Class 3 Permit Modification* contain excessive requirements for characterizing hazardous waste?

10.Is the *Notification of Proposed Change to the EPA 40 CFR Part 194 Certification of the Waste Isolation Pilot Plant (Notification of Proposed Change)* clear and descriptive of the nature and scope of the proposed RH-TRU waste Characterization Program?

11.Is the DOE's assessment of the consequences for compliance with EPA disposal regulations clearly and adequately presented in the *Notification of Proposed Change* document?

12.Is the significance of the change in the *Notification of Proposed Change* clearly and adequately addressed?

13.Are the consequences for compliance determinations clearly stated in the *Notification of Proposed Change* document and technically justified in the *RH TRU Inventory Impact Assessment Report*?

14.Does the *RH TRU Waste Characterization Program Implementation Plan* present a viable, effective, and efficient performance-based waste characterization program?

15.Does the *RH TRU Waste Characterization Program Implementation Plan* clearly identify and justify the waste components to be characterized?

16.Is the associated DQO appropriate for each waste component and consistent with the relevant guidance of the EPA?

17.Is the reliance on AK as the primary method to meet DQOs and satisfy characterization objectives fully- justified?

18.Is the acceptability of relying on AK as the sole method to meet characterization requirements and any DQOs sufficiently explained in relation to the relevant regulations—as interpreted jointly by the EPA and NRC?

19.Does the *RH TRU Waste Characterization Program Implementation Plan* draw a clear distinction between characterization activities using AK versus supplementary; confirmatory; or verification activities involving physical measurement?

20.Does the *Notification of Proposed Change* adequately explain and justify how AK and the WIPP Waste Information System are used to satisfy quantification and control requirements?

21.Does the *RH TRU Waste Characterization Program Implementation Plan* adequately describe a Quality Assurance program that meets or exceeds appropriate requirements?

22.Does the Plan clearly and adequately explain how the provisions of 40CFR194.22(b) will be utilized in the RH-TRU waste characterization program?

23.Does the Plan present an RH-TRU waste characterization program that is consistent with recommendations from the National Research Council's Report, *Improving Operations and Long-Term Safety of the Waste Isolation Pilot Plant*?

24.Are the *Request for RCRA Class 3 Permit Modification* and *RH TRU Waste Characterization Program Implementation Plan* consistent with the ALARA concept?