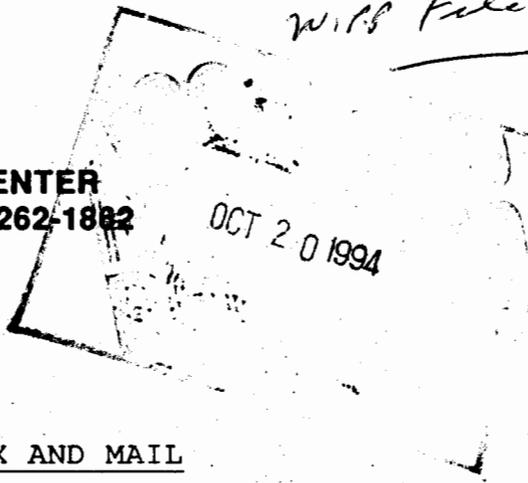


SOUTHWEST RESEARCH AND INFORMATION CENTER
P.O. Box 4524 Albuquerque, NM 87106 505-262-1882

*Barbara ✓
Steel ✓
Will File*



October 17, 1994

Mr. George Dials
Carlsbad Area Office
P.O. Box 3090
Carlsbad, NM 88221

VIA FAX AND MAIL

RE: SPM PROCESS & MEETING, October 27-28

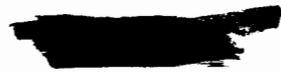
Dear George,

I am writing even though I have not received any response to my September 20 letter regarding the SPM. This letter confirms what I wrote in that letter and makes some additional suggestions about the SPM process.

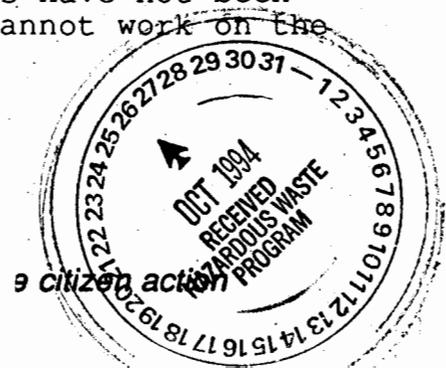
1. I will not attend the October 27-28 meeting because you have not met the requirements for effective participation that I stated in my September 20 letter.

Specifically, the two position papers for the October meeting arrived in my office on October 13, the repository seal white paper arrived today. My September 20 letter clearly requested that I receive the position papers by October 5 or that the meeting be rescheduled to provide three weeks from receipt of position papers until the meeting. Since that schedule was not met, I will not have adequate time to prepare for full participation in the upcoming meeting. Since my requests were not honored, and in the absence of any response to my letter that would provide another reason, I have to conclude that you do not want me to participate or do not care about my participation.

2. Based on what has happened so far and the obvious lack of response to my suggestions, I must conclude that the SPM process is seriously awry. There has been no response to my other recommendations: that the scenario development and Salado flow white papers be re-issued when they are complete for stakeholder comment or that SPM 2 be described as not addressing some stakeholder concerns. Since SPM is supposed to address stakeholder concerns early on, and my concerns have not been addressed, I must conclude that the process cannot work on the established schedule.



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George Dials
October 17, 1994
Page 2

3. In addition to not meeting my concerns (which are shared by other stakeholders), the SPM schedule and process cannot accommodate internal issues. In response to my question at the September 29 SPM meeting, I was told that the Salado flow white paper that fully addressed the items requested (page 1 of that white paper) would be ready by November 15. Thus, the meeting and white paper schedule is clearly not achievable by the project principal investigators. Yet, the October and subsequent meetings have not been rescheduled to allow complete white papers to be done prior to those meetings. Moreover, there is no indication that followup meetings will be scheduled to gather stakeholder concerns once those white papers are issued. Thus, many stakeholder concerns cannot be addressed in SPM 2, which means that a major purpose of SPM 2 is unachievable.

4. The SPM process is not fully developed and cannot achieve its basic purposes. During the afternoon session of the September 29 SPM meeting, Paul Davis, expressing concern that basic issues were not clearly stated to and understood by some stakeholders present, tried to get the presenters to clearly describe the basic Salado flow issues, their impact on performance assessment, and whether an experiment could resolve the differences. However, the SPM process has not established a systematic way to require that such vital information be fully and clearly presented. Moreover, without such complete information stakeholder concerns cannot meaningfully be expressed or addressed.

5. It's time to either change SPM or stop it. Much time, effort, and money of DOE, its contractors, and stakeholders is being taken up by an SPM process that cannot fulfill its goals, especially given the schedule requirements. Thus, there are two basic alternatives:

- a. Delay and revise the SPM process so that it can achieve its goals. Such a course would, among other changes, require rescheduling SPM meetings so that they are held after white papers are completed and distributed with enough time for adequate review. The process should be more clearly designed to address clearly how individual issues affect performance assessment.
- b. Discontinue SPM. Without an SPM process, DOE would presumably return to a process of conducting experiments (based on the January 1994 Experimental Program Plan or a revision thereto) to prepare a new performance assessment for stakeholder review.

I hope that you will seriously consider my concerns, those of other stakeholders, and the current situation. I am available at your convenience to discuss any of these issues.

George Dials
October 17, 1994
Page 3

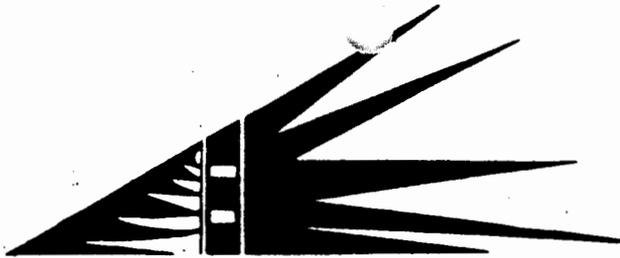
Thank you for your consideration.

Sincerely,



Don Hancock
Director, Nuclear Waste Safety Project

cc: Bob Neill, EEG
Chris Wentz, NMEM&NR
Benito Garcia, NMED
Bill Russo, EPA
Garland Harris, CARD
Lila Bird, WIN
Juan Montes, NM Alliance
Lindsay Lovejoy, NMAG
John Heaton, Carlsbad
Arthur Kubo
Kathy Sabo, CCNS
Janna Rolland, PSR
Ian Aeby, NM Alliance
Paul Davis, Sandia



SOUTHWEST RESEARCH AND INFORMATION CENTER
P.O. Box 4524 Albuquerque, NM 87106 505-262-1862

September 20, 1994

Mr. George Dials
Carlsbad Area Office
P.O. Box 3090
Carlsbad, NM 88221

VIA FAX

RE: SPM MEETING, September 28-29, 1994

Dear George,

I am writing regarding the September 28-29 SPM meeting, which I can only attend on the second day. I am writing now to let you know in advance about some of my concerns and issues that must be resolved for the future SPM meetings.

I seriously considered not attending the September 28-29 meeting for two major reasons:

1. I received the position papers for the meeting on September 15, which is not far enough in advance for me to adequately prepare for the meeting. Further, from my cursory review, the papers themselves are not adequate for the meeting.
2. My schedule, partially caused by other WIPP-related commitments, does not allow me the opportunity for full participation in the two-day meeting.

Regarding reason #1, I have only five days (September 16-20), which includes the weekend, to review the position papers. From September 21-25, I am out of state on business, and September 26-27 is the WIPP stakeholder forum. That is not sufficient time to review the documents and prepare my concerns (which I understand you want to hear at the SPM meeting).

Your August 5, 1994 letter outlining the SPM process stated: "Two weeks prior to each meeting, we will send you the applicable position papers for your review." The SPM "Implementation Plan" stated that "The CAO will develop a position paper on each meeting topic shown above and distribute to regulators and stakeholders two weeks prior to each scheduled meeting." I had (obviously erroneously) assumed those statements meant that I would have the position paper two weeks prior to the meeting, which was by close of business on September 13 for the September 28-29 meeting. I had concerns about two weeks being enough time in advance and when even that schedule is not being met, I am precluded from fully participating in the meeting.

Recommendation. Because the upcoming meetings have at least as ambitious an agenda as the next meeting, I request receiving the position papers at least 21 days in advance -- by close of business on October 5 for the October 27-28 meeting, by close of business on November 9 for the December 1-2 meeting, and by close of business on December 16 for the January 9 meeting. If that schedule will not be met, I request that the meetings be re-scheduled to provide at least for that period of time before any meeting for materials to be available. I believe that such a schedule would benefit all participants in those meetings.

Because of the short time for any review, I cannot make a final determination about the adequacy of the position papers for this review. However, I would note a few items that raise concerns about the adequacy of the documents. The Scenario Development Draft Position Paper states (p. 4-1): "the work presented in Chapters 5-7 was limited by time constraints and it is still in progress. Thus, the material in these chapters should be considered more as a progress report than as the final statement of screening of FEPs for the SP or for future PAs." SRIC's comment is that you will not receive anything resembling a current complete list of our concerns about scenarios until the material in those chapters is better developed. For example, SRIC does not agree that the list of scenarios is complete nor that the method that they have been screened at this point is adequate. We would also not agree with the statement (p. ES-2) "that future human intrusion will be shown to be reasonably unlikely and will not need to be considered in evaluation of compliance with 40 CFR 268.6." SRIC also does not agree with the "SO-R" screen; Appendix C of 40 CFR 191 is "Guidance" that is not binding on DOE or EPA, so it should not be used to screen out scenarios at this time.

Recommendation. If the SPM process really intends to hear and address stakeholder concerns about scenario development, you will reissue the scenario development position paper when it is complete and provide an additional opportunity for stakeholder comment. Alternatively, SPM iteration 2 cannot be said to address stakeholder concerns on that issue.

Regarding the "White Paper" on Salado Flow and Transport, the document states (p. 1): "This document does not now fully address all SPM requests." SRIC supports stakeholder involvement at an early stage, but in this case, many of the PA scenarios have been under development and in use for years, yet they are not fully supported, so our concerns about the specifics of the existing flow models, data, and experiments cannot be fully expressed until more complete information and analysis is presented. Based on the discussions at the August 30 SPM meeting, SRIC also assumed that the "white paper" would explicitly discuss the implications for performance assessment (PA) of the various competing models. However, we see no such information in the document.

Recommendation. The Salado Flow paper should be reissued when it can fully address topics 1 to 7 on page 1 and then an additional opportunity provided for stakeholder comment. Alternatively, SPM iteration 2 cannot be said to address stakeholder concerns on that issue.

Finally, I would request the budget breakdown for the costs of the SPM process from its inception through the end of March 1995.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Hancock".

Don Hancock
Director, Nuclear Waste Safety Project