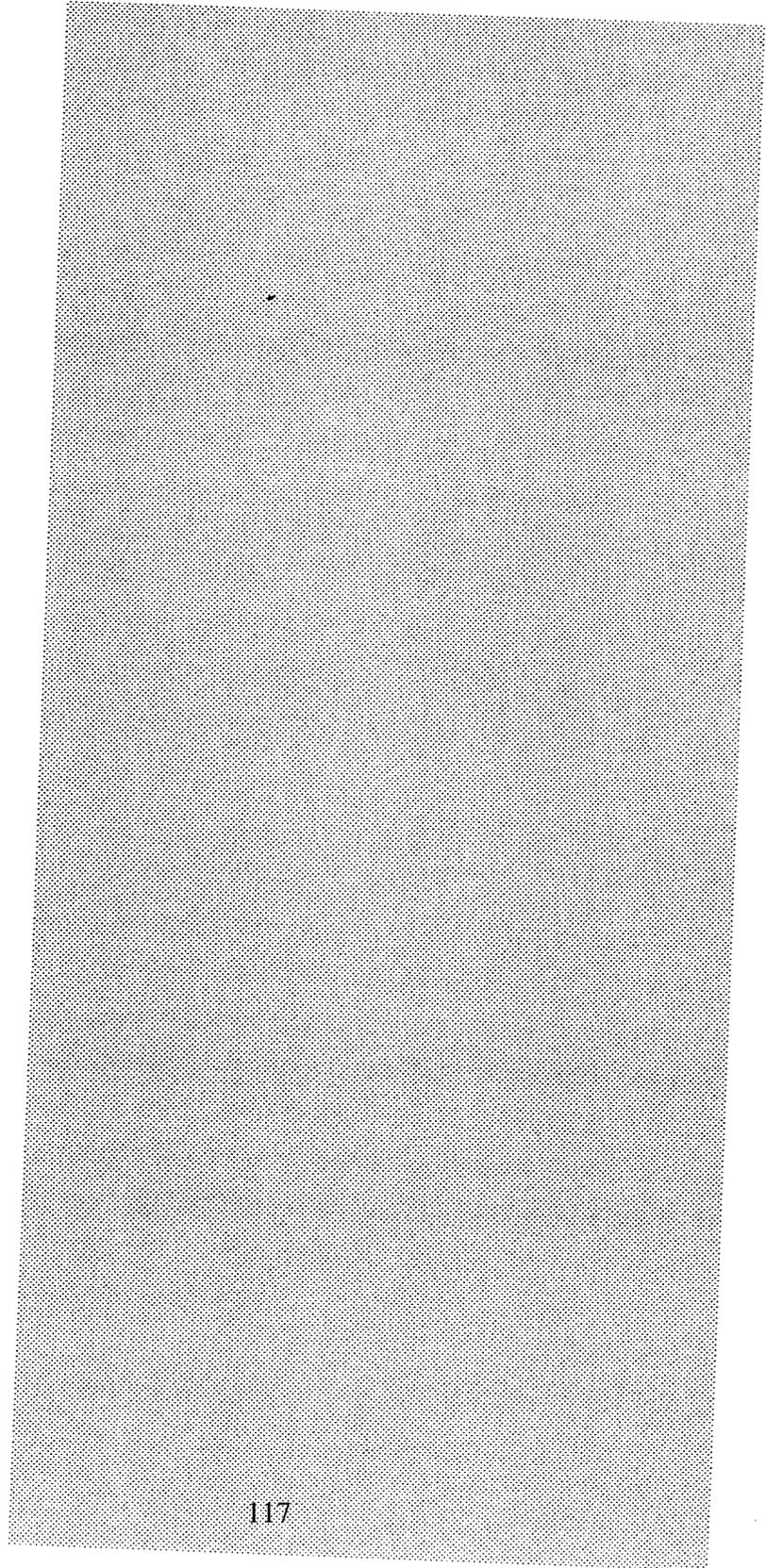


Stakeholder Participation



INTRODUCTION

The request for peer review included a consideration for stakeholder participation. Recognizing the significance of the subject, the ASME Peer Review Committee established an ad hoc committee to evaluate possible approaches and procedures for stakeholder participation. The ad hoc committee evaluated a process developed by Love et al. and recommended appropriate revisions. The revised version of that approach was used during this review.

In preparation for stakeholder participation, two guides were prepared: one for the sponsoring agency and the other for stakeholders. In addition, a questionnaire was prepared to evaluate the validity of the approach. After the validity of the process was confirmed in subsequent reviews, Love et al. (2001) published a manual describing the process. One of the key issues advanced by Love et al. was the classification of stakeholders as Personally Impacted, Administratively Impacted, and Generally Concerned Stakeholders. Forms RSI-F-023 and RSI-F-024 in the appendix of this chapter show the guides for the sponsoring agency and the stakeholders respectively. Form RSI-F-025 in the appendix of this chapter is the questionnaire used to seek the views of the stakeholders.

THE PROCESS

Prior to the meeting, the DOE was provided a guidance document (RSI-F-023) containing the definition of stakeholders and certain rules governing participation in a professional society meeting. In addition, the planning of the meeting considered the tradition of all professional societies, indicating that all segments of the meeting—except the executive sessions of the Review Panel—were open to the public. All participants in the peer review meeting were registered and received a name badge. Their registration packets included a summary of the project; peer review criteria; an agenda of the meeting; guidance for stakeholders (RSI-F-024); and a questionnaire (RSI-F-025).

During the introduction, the rules of the stakeholder participation were described. Members of the audience were told that they could ask questions from the speakers

and that they could also make statements during the program designated for that purpose. In every case, the individual who wanted to ask a question or make a statement had to indicate his/her name, affiliation, and the class of stakeholder—if any. Consistent with the peer review process, members of the Review Panel were not introduced to anyone. Review Panel members who wanted to ask questions were instructed to introduce themselves as “I am a panelist”. The audience was also asked to fill out the questionnaire (RSI-F-025).

At the end of the meeting, the questionnaires were collected and subsequently evaluated. During the meeting, those who asked questions or made statements appeared to have no difficulties in placing themselves in the correct class.

RESULTS OF THE SURVEY

The respondents overwhelmingly agreed that the definitions of stakeholders as shown in the document provided to them were reasonable. Many respondents complained that the presentations were at a technical level that they could not follow. Even more respondents suggested that the one-to-two weeks notice of the meeting was too short. Most of the other questions were answered positively.

This and similar surveys performed since the initiation of this process suggest that:

1. The classification of stakeholders as Personally Impacted, Administratively Impacted, and Generally Concerned is reasonable.
2. Even those who were opposed to the activity being proposed found the stakeholder participation process as used in the peer review meeting to be fair.
3. Several stakeholders had difficulty assigning their questions or statements to a review criterion and needed help from organizers of the peer review meeting.

Appendix

INSTITUTE FOR REGULATORY SCIENCE STAKEHOLDER PARTICIPATION IN PEER REVIEW MEETINGS

GUIDANCE FOR ORGANIZATIONS REQUESTING STAKEHOLDER PARTICIPATION 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.

Many federal and state agencies, as well as private industries, desire to include the views of stakeholders in their decision process. This guide is an excerpt from a report which is being prepared by Betty R. Love et al. to assist government agencies and private industry in identifying stakeholders and classifying them in accordance with their respective roles. This guide specifically applies to stakeholder participation in ASME/RSI peer review.

There are three classes of stakeholders as follows:

Personally Impacted Stakeholders: This class consists of individuals whose lives are directly impacted by the action under consideration.

Administratively Impacted Stakeholders: This class consists of elected, appointed, or employed individuals who must ensure that the action under consideration is prepared, reviewed, approved, or implemented in accordance with applicable laws, regulations, permits, licenses, or agreements.

Generally Concerned Stakeholders: This class includes individuals who, by virtue of their personal philosophies, beliefs, or ideologies, are interested in or concerned about the action under consideration.

The participation of stakeholders should be based on the priority placed by the sponsoring organization on the significance of the impact of the decisions to be made on each class of stakeholders. As a general rule, an affirmative outreach is necessary to ensure the participation of personally impacted stakeholders. Experience shows that these stakeholders are reluctant to participate in peer review unless they perceive a significant impact on their daily lives. Accordingly, an affirmative outreach approach is necessary to ensure their participation.

The participation of administratively impacted stakeholders is somewhat less complicated. The mayor of the town; state, federal, and other elected officials representing the locality in which the action under consideration will occur, are desirable stakeholders yet are unlikely to be willing to participate. In contrast, members of agencies responsible for preparation, regulation, and implementation of an action are easier to entice to participate. However, at a minimum, those immediately responsible for the action in these agencies should participate in a well-run program.

The generally concerned stakeholders are normally informed via public media. Their participation is normally determined by the sponsoring agency. As a general rule, they are accommodated after the other two classes are accommodated, and on a first-come first-served basis.

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.

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.

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.

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.

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

INSTITUTE FOR REGULATORY SCIENCE

ASME Peer Review

Requirements for Disposal of Remote Handled Transuranic Wastes at the Waste Isolation Pilot Plant
July 30 - August 3, 2001 - Carlsbad, NM

QUESTIONNAIRE FOR STAKEHOLDERS

THE PROCESS

1. Was the notification process adequate?

Yes No Comments _____

2. Were the stakeholders provided sufficient time to identify and describe their concerns?

Yes No Comments _____

PRESENTATIONS

1. Did presenters explain the sometimes highly technical issues in a language understandable to an audience of knowledgeable non specialists?

Yes No Comments _____

2. Did presenters explain technical terms in understandable form?

Yes No Comments _____

3. Did the presentations address the peer review criteria?

Yes No Comments _____

4. Were the questions from the stakeholders responsive to peer review criteria?

Yes No Comments _____

5. Were the statements by the stakeholders responsive to peer review criteria?

Yes No Comments _____

6. Did questions from the Review Panel directly relate to peer review criteria?

Yes No Comments _____

LOCAL ARRANGEMENTS:

1. Was registration performed in a professional manner?

Yes No Comments _____

2. Was the registration form acceptable?

Yes No Comments _____

3. Was the organization of the meeting room acceptable?

Yes No Comments _____

4. Were audiovisual arrangements acceptable?

Yes No Comments _____

DEFINITION OF STAKEHOLDERS:

Personally Impacted Stakeholders (PI): This class consists of individuals whose lives are directly impacted by the action under consideration.

Administratively Impacted Stakeholders (AI): This class consists of elected, appointed, or employed individuals who must ensure that the action under consideration is prepared, reviewed, approved, or implemented in accordance with applicable laws, regulations, permits, licenses, or agreements.

Generally Concerned Stakeholders (GC): This class includes individuals who, by virtue of their personal philosophies, beliefs, or ideologies, are interested in or concerned about the action under consideration.

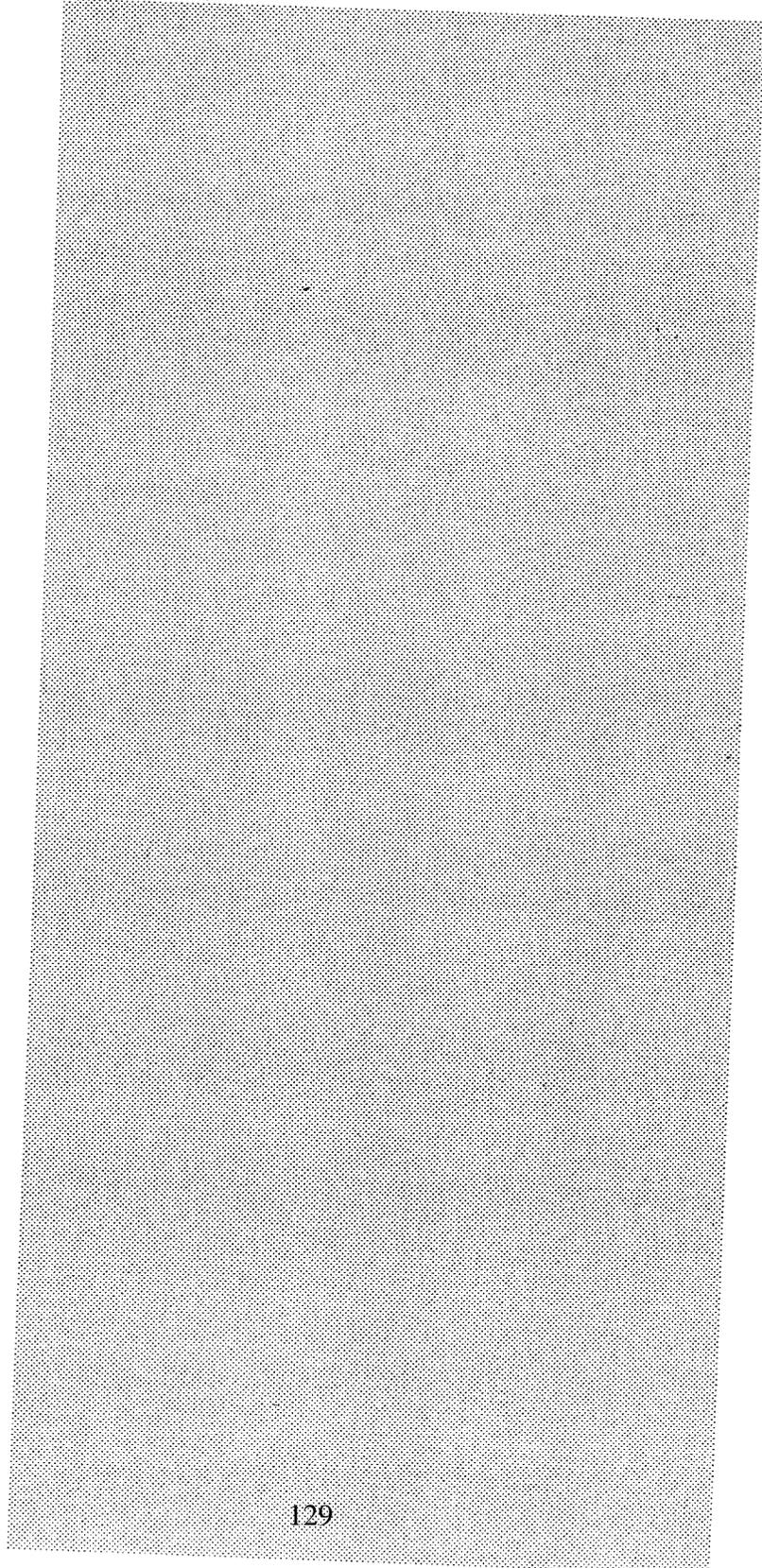
1. Is the definition of various classes of stakeholders as described above reasonable?

Yes No Comments _____

2. Please tell us to which class of stakeholders you belong:

PI AI GC

References



- ASME (The American Society of Mechanical Engineers). Assessment of technologies supported by the US Department of Energy. Results of the peer review for fiscal year 1997, CRTD Vol.47. New York, NY: ASME; 1997.
- ASME (The American Society of Mechanical Engineers). Assessment of technologies supported by the US Department of Energy. Results of the peer review for fiscal year 1998, CRTD Vol. 50. New York, NY: ASME; 1998.
- ASME (The American Society of Mechanical Engineers). Assessment of technologies supported by the US Department of Energy. Results of the peer review for fiscal year 1999, CRTD Vol. 56. New York, NY: ASME; 1999.
- ASME (The American Society of Mechanical Engineers). Assessment of technologies supported by the US Department of Energy. Results of the peer review for fiscal year 2000; CRTD Vol.61. New York, NY: ASME; 2000.
- Cochran, W. G. Sampling techniques. New York, NY: John Wiley & Sons; 1977.
- EG&G. Description of the SWEPP certified waste sampling program for FY-94. Engineering design file, RWMC-363, revision 6. Idaho Falls, ID: EG&G-Idaho; 1994.
- Gilbert, R. O. Statistical methods for environmental pollution monitoring. New York, NY: Van Nostrand Reinhold; 1987.
- DOE (U.S. Department of Energy). National security and military applications of Nuclear Energy Authorization Act of 1980; Public Law 96-164, 1979.
- DOE (U.S. Department of Energy). Transuranic quality assurance program plan. DOE/CAO-94-1010, rev. 0. Carlsbad, NM: DOE Carlsbad Operating Office; 1995.
- DOE (U.S. Department of Energy). Waste isolation pilot plant disposal phase final supplemental environmental impact statement. Vol. I, DOE/EIS-0026-S-2. Carlsbad, NM: DOE; 1997.

DOE (U.S. Department of Energy). Request for RCRA class 3 permit modification in accordance with 20.4.1.900 NMAC (incorporating 40 CFR Part 270), draft. Carlsbad, NM: DOE Carlsbad Field Office; 2001a.

DOE (U.S. Department of Energy). Notification of proposed change to the EPA 40 CFR Part 194 certification of the Waste Isolation Pilot Plant, draft. Carlsbad, NM: DOE Field Office; 2001b.

EPA (U.S. Environmental Protection Agency). Environmental radiation protection standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes; final rule, 40 CFR 191. Fed. Reg. 58:66398-66416; 1993.

EPA (U.S. Environmental Protection Agency). Waste analysis: EPA guidance manual for facilities that generate, treat, store and dispose of hazardous waste. Washington, DC: EPA; 1994.

EPA (U.S. Environmental Protection Agency). Criteria for certification and re-certification of the waste isolation pilot plant's compliance with the disposal regulations: Certification decision; Final rule, 40 CFR 194. Fed. Reg. 61:27354-27406; 1996a.

EPA (U.S. Environmental Protection Agency). Test methods for evaluating solid waste, SW-846. Washington, DC: EPA Office of Solid Waste and Emergency Response; 1996b.

EPA (U.S. Environmental Protection Agency); USNRC (US Nuclear Regulatory Commission). Joint USNRC/EPA guidance on the testing requirements for mixed waste. Fed. Reg. 62:62079-62094; 1997.

EPA (U.S. Environmental Protection Agency). Criteria for certification and recertification of the Waste Isolation Pilot Plant's compliance with the disposal certification decision regulations, 40 CFR 194. Fed. Reg. 63:27354-27406; 1998.

EPA (U.S. Environmental Protection Agency). Standards for owners and operators of hazardous waste treatment, storage, and disposal facilities, 40 CFR 260 through 265, 268, and 270. Code of Federal Regulations. Washington, DC: Government Printing Press; 2000a.

EPA (U.S. Environmental Protection Agency). Guidance to the U. S. Department of Energy on preparation for recertification of the Waste Isolation Pilot Plant, 40 CFR Parts 191 and 194. Code of Federal Regulations. Washington, DC: Government Printing Press; 2000b.

EPA (U.S. Environmental Protection Agency). Guidance for data quality objectives process, EPA/600/R-96/055 Code of Federal Regulations. Washington, DC: Government Printing Press; 2000c.

Love, B. R., Straja, S. R., Moghissi, A. A. Manual for stakeholder participation. Columbia, MD: Institute for Regulatory Science; 2001.

LWA (Waste Isolation Pilot Plant Land Withdrawal Act) Public Law 102-579.

NMED (New Mexico Environment Department). New Mexico hazardous waste regulations. Title 20 New Mexico Administrative Code, Chapter 4, Part 1 (20 NMAC 4.1), subparts I through VI, subpart VIII, and subpart IX. Santa Fe, NM: NMED; 1997.

NMED (New Mexico Environment Department) WIPP permit number, NM4890139088-TSDF. Santa Fe, NM: NMED; 1999.

NRC (National Research Council). Disposal of radioactive wastes on land. Washington, DC: National Academy Press; 1957.

NRC (National Research Council). Disposal of solid radioactive waste in bedded salt deposits. Washington, DC: National Academy Press; 1970.

NRC (National Research Council). A study of the isolation system for geologic disposal of radioactive wastes. Washington, DC: National Academy Press; 1983.

NRC (National Research Council). Review of scientific and technical criteria for Waste Isolation Pilot Plant (WIPP). Washington, DC: National Academy Press; 1984.

NRC (National Research Council). The Waste Isolation Pilot Plant; a potential solution for the disposal of transuranic waste. Washington, DC: National Academy Press; 1996.

NRC (National Research Council). Improving operations and long-term safety of the Waste Isolation Pilot Plant. Interim report. Washington, DC: National Academy Press; 2000.

NRC (National Research Council). Improving operations and long-term safety of the Waste Isolation Pilot Plant. Final report. Washington, DC: National Academy Press; 2001.

RCRA (Resource Conservation and Recovery ACT) Public law 94-580, 1976.

RSI (Institute for Regulatory Science). Handbook of peer review. Columbia, MD: Institute for Regulatory Science; 2000.