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Prepped by Charmelle Mathews

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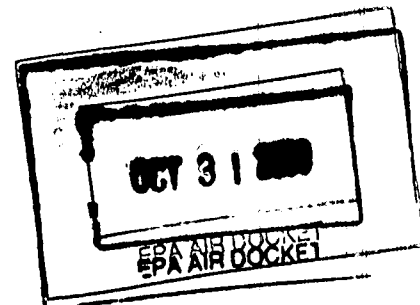


Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221

March 30, 2000

Mr. Frank Marcinowski, Acting Director
Radiation Protection Division
Center for Federal Regulation (6608J)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460



Dear Mr. Marcinowski:

CAO requests that EPA perform an inspection of the waste characterization process at the Idaho National Engineering and Environmental Laboratory (INEEL) on April 24-28, 2000. CAO requests that inspection take place before the 30 day public comment period has closed, with the understanding that if public comments are received which require resolution at the site or if significant issues are raised during the inspection, a return visit will be necessary. CAO and INEEL are prepared to support this activity should the need arise.

CAO, in consultation with EPA, has just determined that an inspection under 40 CFR part 194.8 with the associated *Federal Register* notice and public comment period are necessary. CAO requests an exception to the practice of not conducting inspections until after the public comment period has closed, with the full understanding that a return visit may be necessary if the conditions described above arise.

This exception is necessary because of important national interests which could be adversely affected if the inspection cannot be performed as scheduled. The INEEL audit is critical to the timely removal of TRU waste from the State of Idaho. This removal is tied to the continuation of shipments of spent fuel, including U.S. Navy fuel, to INEEL. The State of Idaho has the power to suspend these fuel shipments if the TRU waste shipping schedule is not met.

CAO understands that no EPA decision will be made until after the public comment period has closed and all public comments have been thoroughly addressed.

Please contact me with your response to this request as soon as possible.

Sincerely,

Dr. Inés R. Triay, Manager
Carlsbad Area Office

