



ENVIRONMENTAL EVALUATION GROUP



AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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April 25, 2003



Dr. Inés Triay
Manager
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

Dear Dr. Triay:

At the April 10, 2003 quarterly meeting between the DOE, the EEG, and various New Mexico state agencies, the DOE representative committed to providing the EEG with the data forms for the August 26, 2002 Radiological Assessment Filters (RAFs) that resulted in the return of TRUPACT #157 to the INEEL. The EEG has yet to receive this information.

The EEG originally requested these forms, as well as other information, in a letter dated September 5, 2002, and reminded the DOE in a second letter dated November 27, 2002, as well as at the other quarterly meetings that have taken place in the interim. The DOE sent a letter on the topic dated January 23, 2003, shortly after the DOE was reminded at the January 16, 2003 quarterly. However, the letter did not include any of the information requested. The EEG responded with a February 11, 2003 that specifically requested a response which would include "...a copy of the Radiological Survey Report, containing all Radiological Assessment Filter information...", other data initially requested in the September 5, 2002 letter, and other data. On March 11, 2003, the EEG sent a reminder that there had been no response to this letter as well.

The February 11, 2003 letter also pointed out that, under the WIPP Land Withdrawal Act, the DOE was to "...provide the State, the National Academy of Sciences, and the EEG with free and timely access to data relating to health, safety, or environmental issues at the WIPP" (Section 17(a)(1)). The Radiological Assessment Report containing data from the RAF filters for TRUPACT #157 taken on August 26, 2002 are clearly such data. "Timely" access would have occurred within reasonable proximity of the initial September 5, 2002 request.

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We consider it essential that this matter be resolved as soon as possible by the CBFO.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew K. Silva', written in a cursive style.

Matthew K. Silva
Director

MKS:pf

cc: L. Lovejoy, NMAG
J. Bearzi, NMED ✓
A. Clark, NMEMNRD
R. Nelson, CBFO