



**Department of Energy**  
Washington, DC 20585

February 6, 2017

Mr. Don Hancock  
Nuclear Waste Program Director  
Southwest Research and Information Center  
P.O. Box 4524  
Albuquerque, New Mexico 87196

Dear Mr. Hancock:

Thank you for your letter of November 21, 2016, regarding the reopening of the Waste Isolation Pilot Plant (WIPP). You raised a number of questions about the 2014 incidents at WIPP and the subsequent recovery actions related to health and safety as well as the applicability of National Environmental Policy Act (NEPA) requirements. As you know, the Department of Energy (DOE) has resumed waste emplacement operations at WIPP in a manner that is safe and compliant with all regulatory requirements.

DOE has continually evaluated WIPP site construction and operation activities to ensure compliance with NEPA. As noted in your letter, DOE has issued three WIPP-focused Environmental Impact Statements (EIS), the most recent in 1997 (the 1997 Supplemental EIS). Since 1997, DOE has issued nine Supplement Analyses (SAs), documenting DOE's evaluation and determination that the 1997 Supplemental EIS remains adequate because there were no substantial changes to the proposed action, or significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, in accordance with DOE's NEPA implementing regulations (10 CFR Part 1021). The most recent SA, issued in December 2016, analyzed changes at WIPP since issuance of the previous site-wide SA in 2009, with particular attention to the 2014 incidents, and the reasonably foreseeable programs, operations, and activities at WIPP, including resumption of waste emplacement. The December 2016 SA addressed many of the concerns related to the 2014 incidents and subsequent operations raised in your letter, and confirms that the associated environmental impacts have been adequately analyzed in previous NEPA documents. For further details, please refer to the SA at: [http://wipp.energy.gov/Special/Supplemental\\_Analysis.pdf](http://wipp.energy.gov/Special/Supplemental_Analysis.pdf).

In addition, DOE has prepared annual reports to document progress made in implementing the WIPP Mitigation Action Plan (available at <https://energy.gov/nepa/eis-0026-s1-supplemental-environmental-impact-statement-waste-isolation-pilot-plant-wipp>). Where appropriate, DOE has also issued project-specific NEPA documents, including, for example, the determination of a categorical exclusion for the installation of an Interim Ventilation System (available at [http://www.wipp.energy.gov/library/NEPA/CX\\_Vent\\_System.pdf](http://www.wipp.energy.gov/library/NEPA/CX_Vent_System.pdf)).



Many of the concerns raised in your letter focused on the health and safety of workers and the public, which are our highest priority. As you note, extensive investigations of both the fire and the radiological release incident were conducted. The Accident Investigation Boards identified the direct, root, and contributing causes, and issued a number of findings. The Office of Environmental Management and the Carlsbad Field Office have taken numerous actions to address these findings and causes, including: developing and implementing Corrective Action Plans, implementing upgrades to WIPP's safety management programs, revising waste acceptance criteria, and making organizational changes to enhance oversight of the transuranic waste management and disposal program. DOE and its contractor, Nuclear Waste Partnership, LLC, conducted operational readiness reviews to assure that these changes were effectively implemented and that facilities and personnel were fully prepared to resume waste emplacement operations.

I share your interest in ensuring safe and compliant WIPP operations. Safety has been the foremost priority in WIPP's recovery, and it will remain so as WIPP continues its mission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Marcinowski". The signature is fluid and cursive, with a large loop at the end.

Frank Marcinowski  
Associate Principal Deputy Assistant Secretary  
for Regulatory and Policy Affairs