



**Department of Energy**

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

**OCT 31 2016**

Ms. Catherine Haney, Director  
U.S. Nuclear Regulatory Commission  
Office of Nuclear Material Safety & Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Waste Isolation Pilot Plant Biennial Environmental Compliance Report for reporting period April 1, 2014, through March 31, 2016

Dear Ms. Haney:

Section 9(a)(2) of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act (LWA) requires the U.S. Department of Energy (DOE) to submit, every two years, documentation of WIPP's compliance with all applicable Federal laws pertaining to public health and the environment to the Administrator of the U.S. Environmental Protection Agency (EPA), and, with regard to compliance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), to the State of New Mexico. In turn, the LWA requires EPA (or the State, as appropriate) to determine whether DOE is in compliance with the laws in Section 9(a)(1) of the LWA. Since EPA and the State of New Mexico are not in a position to make compliance determinations for laws they do not enforce, I request your assistance to enable EPA to provide confirmation of WIPP's compliance with the laws administered by your agency.

Enclosed is a copy of the Waste Isolation Pilot Plant Biennial Environmental Compliance Report (BECR) for reporting period April 1, 2014, through March 31, 2016. The BECR is being submitted to EPA and the State of New Mexico as documentation of WIPP's compliance with applicable laws, including laws administered by your agency.

Please provide Mr. Nick Stone of EPA Region 6 a copy of your confirmation of compliance by December 30, 2016. Mr. Stone's address is included in the enclosed example reply letter.

If you need additional information, please contact Mr. Anthony Stone of the DOE Carlsbad Field Office at (575) 234-7475.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Shrader".

Todd Shrader, Manager  
Carlsbad Field Office

Enclosures (2)

cc: w/enclosures  
CBFO M&RC

EXAMPLE REPLY

Mr. Nick Stone  
U. S. Environmental Protection Agency  
Region 6, Multi-Media Planning and Permitting (6MM-RP)  
1445 Ross Ave. Suite 1200,  
Dallas, TX, 75202

Dear Mr. Stone:

This letter is in reply to a letter from Mr. Todd Shrader, Manager, U. S. Department of Energy (DOE), Carlsbad Field Office seeking assistance in providing EPA with evidence that the DOE was in compliance with the laws administered by this agency applicable to the WIPP project during the time period from April 1, 2014, through March 31, 2016, as required by the WIPP Land Withdrawal Act.

My staff has reviewed the pertinent parts of the WIPP Biennial Environmental Compliance Report (BECR) and our records. Based on that review, I verify that we have no information that indicates that DOE was not in compliance with the laws administered by this agency during the BECR time period.

Sincerely,

Authorized Signature

cc: George. T. Basabilvazo, U. S. DOE, CBFO  
Todd Shrader, U. S. DOE, CBFO  
Anthony Stone, U. S. DOE, CBFO