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

APR 18 2017



Mr. Allen Perrin
Radiation Protection Division
Environmental Protection Agency
Centers for Federal Regulation
Arial Rios Building
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Subject: Installation of Ventilation Barriers and Prohibiting Personnel Access to
Equivalent Panel 9 Area

Dear Mr. Perrin:

The Department of Energy (DOE) Carlsbad Field Office (CBFO) is providing the Environmental Protection Agency (EPA) information regarding an ongoing operational change, consistent with Federal Mine safety codes, related to prohibiting personnel access to, with the ultimate goal of withdrawal from, the area in the Waste Isolation Pilot Plant (WIPP) underground designated as equivalent Panel 9 (see attached Figure 1). This action is based on our responsibility and authority to continue to protect our workers, reduce the potential for accidents and provide a safe and healthful work place, as found in the following key regulations and DOE Orders: 10 CFR 851, *Worker Safety and Health Program*, 30 CFR Part 57, *Federal Metal and Nonmetallic Mine Safety and Health Standards*, DOE Order 440.1B, *Worker Protection Program for DOE (Including the National Nuclear Security Administration) Federal Employees* and DOE Order 450.2, *Integrated Safety Management*. It follows that protection of our workers is the first line safety principle that in turn promotes continued protection of human health and the environment by reducing the potential for accidents and providing a safe work place.

Since the events in February 2014 at WIPP, normal ground-control activities and some underground maintenance activities using diesel equipment have been hampered by limited access and reduced underground ventilation flow. This, coupled with the natural creep closure in mined areas, has resulted in a determination by DOE/CBFO that WIPP facility underground conditions, in some southern areas of the mine, present a high risk to workers. Consequently, the risk of an industrial/occupational accident from an underground hazard has increased to the point where access to these areas has been prohibited in accordance with the Federal Mine Safety Codes. To achieve this, DOE/CBFO has approved the installation of cribbing and ventilation barriers to remove this area from active ventilation and prevent personal access to portions of the mine located south of the S-2750 cross-drift (i.e., equivalent Panel 9 area).



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Final closure of this area is deferred until after a pending Class 3 Permit Modification Request (PMR) for panel closure is adjudicated by the New Mexico Environment Department (NMED). In the interim period, a diligent ground-control effort, through bolting and maintenance, is being focused on priority areas such as Panel 7 rooms and access drifts and on access drifts north of the S-2520 cross-drift.

We are reviewing the EPA-related provisions under 40 CFR Part 191 Subpart A, 40 CFR Part 61, Subpart H, and 40 CFR 191, Subparts B and C. Because no new release points will be created by isolating Panels 3, 4, 5, 6, and 9 from the ventilation system, there will be no impact to our emissions monitoring locations and monitoring methods. We will continue to be able to demonstrate compliance with our operational dose limits and compliance activities for 40 CFR 191, Subpart A, (191.03) and 40 CFR Part 61, Subpart H (61.92). We will provide a thorough regulatory analysis of the potential impacts after a final decision on the Class 3 PMR is made by NMED.

The DOE/CBFO will evaluate other disposal options and may, at a future time after the Class 3 PMR decision, provide additional details regarding a possible alternative disposal layout to account for our goal to withdraw from the equivalent Panel 9 area. In addition, efforts will continue to determine an efficient path to provide performance assessment modeling with flexibility to quantitatively evaluate options and potential impacts to 40 CFR Part 191, Subparts B and C. We look forward to discussing these issues and appropriate next steps with your staff.

Please contact George T. Basabilvazo of my staff at (575) 234-7488 if you have any questions.

Sincerely,


 for Todd Shrader, Manager Deputy Mgr
 Carlsbad Filed Office

cc:

T. Peake, EPA	*ED
J. Walsh, EPA	ED
R. Lee, EPA	ED
N. Stone, EPA Region 6	ED
CBFO M&RC	

*ED denotes electronic distribution

Mr. Perrin

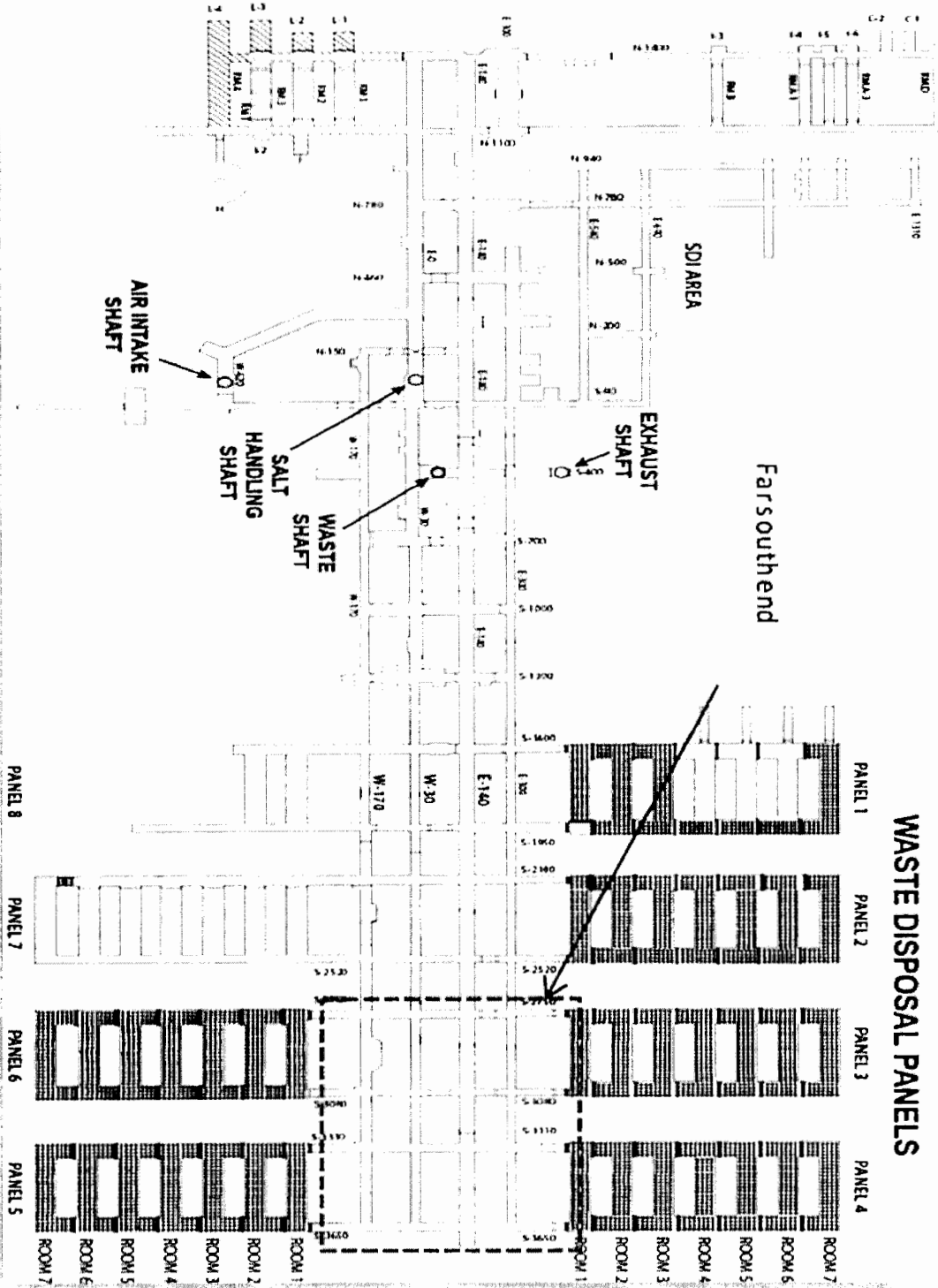


Figure 1. Generalized plan view of the underground. The equivalent Panel 9 area has been referred to as the Far south end.