



ENVIRONMENTAL EVALUATION GROUP

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MEMORANDUM

DATE: April 8, 1991
TO: Robert H. Neill, Director
FROM: Ronald C. Knobel *Ronald C. Knobel*
SUBJECT: MSHA Inspections of WIPP

On Tuesday, March 19, 1991, I met with Jerry Carr (DOE) to discuss EEG's concern that MSHA was not conducting, at WIPP, the quarterly mine inspections it conducts by law at commercial mines.

At this meeting, Carr again pointed out that in the MOU signed in 1987 between DOE and DOL, MSHA agreed to conduct periodic inspection of WIPP. The agreement, however, contains no definition of how many inspections periodic refers to.

Jerry Carr assured me that the DOE at its Monday, March 18, 1991 meeting with MSHA stressed again, as it has in the past, the importance DOE places on the quarterly MSHA inspections of WIPP it has requested but never consistently received. Jerry Carr indicated to me that MSHA does not consider WIPP a mine that falls under its mine safety inspection requirements since WIPP produces no commercial product and is currently considered to be an **experimental facility as differentiated from a full production mine**. MSHA responded to the latest DOE request at the Monday meeting (per Jerry Carr) that it would conduct as many inspections at WIPP (up to the four per year mandated for commercial mines) that its resources allowed with the commercial mines placed ahead of WIPP in priority so that MSHA can fulfill its congressional mandated mission, MSHA Act, Section 103a.

RCK:ss
Enclosure
cc: J. Carr

