



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

September 26, 2017

(via Email and U.S. Postal Service)
(sricdon@earthlink.net)

Mr. Don Hancock
Southwest Research and Information Center (SRIC)
P.O. Box 4524
Albuquerque, New Mexico 87196-4524

Subject: Freedom of Information Act Request 17-009 – FINAL RESPONSE

Dear Mr. Hancock:

This is in final response to the request for information that you submitted to the U.S. Department of Energy (DOE) Carlsbad Field Office (CBFO) pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 on August 28, 2017, wherein you requested the following information:

"...records of the following types in DOE's possession, custody or control that relate to the overarching vision/strategy and plan for WIPP to achieve its operational lifetime through FY 2050 with both near term and long term operational activities. The request specifically includes, but is not limited to, records related to the robust model for predicting and anticipating RH and CH TRU emplacement rates through 2021 and lifecycle model(s) and overarching strategy for future expansion of the WIPP facility to accommodate future waste emplacement through 2050. Those records were developed as part of the Fiscal Year 2016 Performance Evaluation and Measurement Plan (PEMP) for Nuclear Waste Partnership and for which the contractor earned the entire \$250,000 Performance Base Incentives Fee available: Metric 8 of

http://www.wipp.energy.gov/NWPpayments/NWP/FY16_Fee_Determination_Scorecard_17-0285.pdf"

In response to your request for information, I have enclosed the "WIPP Strategic Plan - Operations Through 2050" (15-GM.14, Rev. 0) dated June 27, 2016, consisting of 46 pages. Section 4.3.3 "5 Year Funding Requirements", including Table 6. "Five Year Funding Requirements (FY17 through FY21)" on Pages 23 and 24 have been redacted under Exemption 5 of the FOIA, U.S.C. 552 (b)(5), as this information is both deliberative and predecisional.

In accordance with 10 CFR. § 1004.2(b), I am the Denying Official responsible for the determination to withhold the information pursuant to Exemptions 5. You may appeal the withholding of information under Exemptions pursuant to 10 CFR § 1004.8, "Appeal of Initial Denials." In accordance with 10 CFR § 1004.8 and the FOIA Improvement Act of 2016, the appeal must be made in writing within 90 calendar days after receipt of this letter, addressed to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0107 and both the envelope and letter must be clearly marked "Freedom of Information Act Appeal." The appeal must contain a concise statement of grounds upon which it is brought and a description of the relief sought. It should also include a discussion of all relevant authorities, including, but not limited to DOE (and predecessor agencies), rulings, regulations, interpretations and decisions on appeals and any judicial determinations being relied upon to support the appeal. A copy of the letter containing the determination which is being appealed must be submitted with the appeal. You may also submit your appeal by electronic mail to OHA.Filings@hq.doe.gov, including the phrase "Freedom of Information Act Appeal" in the subject line. Thereafter, judicial review will be available to you: (1) in the district where you reside; (2) in the district where you have your principle place of business; (3) in the district where the DOE records are located; or (4) in the District of Columbia.

SEP 26 2017

Mr. Don Hancock

-2-

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison and FOIA Officer, Mr. Myles Hall, for assistance at:

U.S. Department of Energy
Carlsbad Field Office
4021 National Parks Hwy.
Carlsbad, NM 88220
PHN: (575) 234-7010
Email: myles.hall@cbfo.doe.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road--OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

No fees have been assessed in connection with this FOIA request. Please refer to FOIA 17-009 in any future correspondence or communications with our office regarding this request.

If you have any questions about the processing of this request, you may contact Mr. Myles Hall at his contact information provided above. The CBFO appreciates the opportunity to assist you.

Sincerely,



Todd Shrader, Manager
Carlsbad Field Office

Enclosure (1)

cc: w/enclosure
M. Hall, CBFO *ED
J. Carswell, CBFO ED
W. Mackie, CBFO ED
D.C. Gadbury, CBFO ED
S. Hunt, CBFO ED
M. Gee, CBFO ED
FOIA File 17-009
*ED denotes electronic distribution