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September 15, 2016

**VIA ELECTRONIC FILING**

The Honorable J. Michelle Childs  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

Re: *State of South Carolina v. United States Department of Energy et al.*;  
C/A 1:16-cv-00391-JMC

Dear Judge Childs:

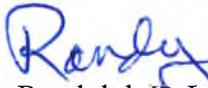
Enclosed please find a letter received by the State of South Carolina from the United States Department of Energy after the June 30, 2016 hearing in the above-referenced matter. The letter, dated August 4, 2016, and titled, "Semi-Annual Notification Letter," states that "[f]or the twelve month period from August 1, 2016 through July 31, 2017, no Transuranic (TRU) waste shipments are yet scheduled for shipment to the Waste Isolation Pilot Plant (WIPP)."

This new information relates to the Declaration of Henry Allen Gunter relied on by the Federal Defendants in their Opposition to the State's Motion for Summary Judgment and the representations to the Court of the imminent reopening of WIPP. *See* Gunter Declaration (ECF No. 38-2) ¶15 ("WIPP emplacement operations are currently planned to resume in late calendar year 2016.") and Transc. 68:22-25 ("Now, as to the feasibility of the plan which South Carolina has also questioned, WIPP is not reopening in five years. WIPP is scheduled to reopen later this year, and that is in the Gunter declaration in the factual record.").

If you have any questions, please do not hesitate to contact me.

Very truly yours,

**WILLOUGHBY & HOEFER, P.A.**

  
Randolph R. Lowell



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

AUG 04 2016

Subject: Semi-Annual Notification Letter

Due to events that occurred in February 2014 and the ongoing recovery effort, a schedule of confirmed shipping dates has not yet been produced. For the twelve month period from August 1, 2016 through July 31, 2017, no Transuranic (TRU) waste shipments are yet scheduled for shipment to the Waste Isolation Pilot Plant (WIPP). Once exact dates are established for the reception of waste and shipping campaigns are determined, this notification will be revised. This schedule update extends the data previously sent in February, 2016, and is provided in accordance with the Carlsbad Field Office (CBFO) agreements with the Western Governors' Association (WGA), the Southern States Energy Board (SSEB), the Council of State Governments (Midwest Region), and commitments to tribal governments.

Projected shipment numbers and rates for all sites shipping to the WIPP are contingent upon each site's ability to achieve and maintain certification and audit approval from CBFO, the New Mexico Environment Department (NMED), and the U.S. Environmental Protection Agency (EPA). Throughout the year, the CBFO will continue to provide the eight week rolling schedule or summary schedule, as appropriate, as our official shipment notifications. These schedules will be sent weekly by electronic mail to cognizant personnel. As a reminder, these schedules contain sensitive information pertaining to the TRU waste shipments and should be protected as such for security reasons.

The next issuance of this Semi-Annual Notification Letter will occur before the end of January, 2017. If you require additional information or questions arise, please feel free to contact Mr. James Mason, Institutional Affairs Manager, TRU Sites and Transportation Division (TSTD) - Carlsbad Field Office at (575) 234-7335 or by email at [james.mason@cbfo.doe.gov](mailto:james.mason@cbfo.doe.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Shrader", with a long horizontal line extending to the right.

Todd Shrader, Manager  
Carlsbad Field Office

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