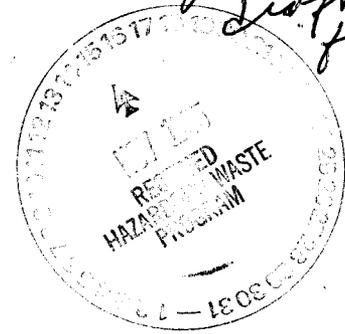




Department of Energy
 Albuquerque Operations Office
 Los Alamos Area Office
 Los Alamos, New Mexico 87544

NOV 09 1995



*Jim,
 please file,
 I never received
 draft response
 from
 Benito*

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Benito Garcia, Bureau Chief
 Hazardous and Radioactive Materials Bureau
 New Mexico Environment Department
 2044 Galisteo St., Building A
 P. O. Box 26110
 Santa Fe, NM 87505

Dear Mr. Garcia:

Subject: Notification Pursuant to Section XIV of the
 Federal Facility Compliance Order, October 4, 1995

Section XIV, "Funding," of the October 4, 1995 Federal Facility Compliance Order (FFCO), issued by the New Mexico Environment Department (NMED) to implement the Site Treatment Plan (STP) at Los Alamos National Laboratory (Laboratory), requires that the Department of Energy (DOE) and the University of California (University) notify NMED in writing within thirty (30) days of learning that adequate funds or appropriations are not available to meet the obligations and commitments specified in the FFCO. This letter simply acknowledges and reinforces in writing the position previously represented to NMED in meetings during the summer of 1995, and in our written comments on the draft STP.

In order to ensure that we keep you fully advised of our progress in implementing the STP, we felt it was important to reiterate our concerns regarding our present funding situation. As you know, Congress has not passed DOE's budget for FY 1996. It is our best judgement that if funding is provided at presently anticipated levels, we can meet the FY 1996 compliance dates in the STP. However, DOE's expectation of compliance with all requirements in the Proposed STP (PSTP) was based on a number of assumptions.

*Red
 LANL
 FFCO/90-95*



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These assumptions, which were not included in the final STP Compliance Plan Volume, include the assumption that funding would be maintained at DOE target levels. We know that expected FY 1996 funding will not meet target levels requested at the time of drafting the PSTP.

Adequate funding may not be available in FY 1996 to complete all the groundwork necessary to meet future year compliance dates. As we have often discussed, and has been presented to you by DOE Headquarters in numerous meetings and briefings, future year funding is very uncertain. While we cannot predict our future budget allocations with confidence, we have been informed that further reductions are likely.

As we have relayed to you in the past, several efforts currently are underway to address many Covered Wastes in what we believe may prove to be a simpler, quicker, and more cost-effective manner than the on-site treatment approaches required in the current STP. Efforts are ongoing to redirect as many of the LANL waste streams as possible for treatment at off-site commercial facilities, and pending the resolution of scheduling and equity issues with the affected sites and states, to other DOE facilities. Several activities, such as the Sort, Survey, and Decontamination project, we believe will result in our being able to request reclassification of a number of the STP Covered Wastes as either nonradioactive or nonhazardous, and their deletion from the STP. Meanwhile, efforts to reevaluate and further develop the technologies identified in the STP are proceeding.

As soon as we have a better idea about how future funding will affect our ability to meet compliance dates in the outyears, and can provide you with initial results of these ongoing efforts, we will be able to identify specific compliance dates that would be affected and submit the necessary revision requests for your approval. In the meantime, out of an abundance of caution and a desire to maintain full and open communications with you, we considered it necessary to express our concerns in writing, in accordance with Section XIV of the FFCO. We are available to discuss this information with you at any time.

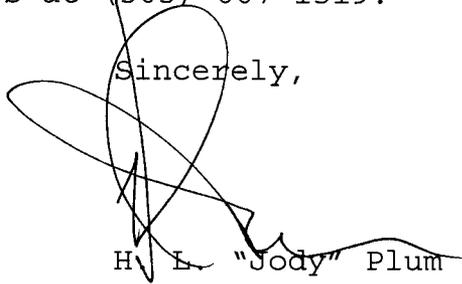
Benito Garcia

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If you have any questions, please call me at (505) 665-5042,
or Ms. Micheline Devaurs at (505) 667-1519.

Sincerely,

A handwritten signature in black ink, appearing to read "H. L. 'Jody' Plum". The signature is stylized with large loops and a long horizontal flourish extending to the right.

H. L. "Jody" Plum
Office of Environment and
Projects

LAAMEP:6JP-006

cc:

J. Seubert

Hazardous and Radioactive

Materials Bureau

New Mexico Environment Department

2044 Galisteo St., Bldg. A

P. O. Box 26110

Santa Fe, NM 87505