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*Date:* **OCT 10 2013**  
*Refer To:* ADESH-13-0056

**HAND-DELIVERED**

Tim Hall, STP Project Manager  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303

Dear Mr. Hall:

**SUBJECT: NOTIFICATION OF FORCE MAJEURE AND LAPSE OF  
APPROPRIATIONS – LOS ALAMOS NATIONAL LABORATORY (LANL)  
FEDERAL FACILITY COMPLIANCE ORDER (FFCO) SITE TREATMENT  
PLAN COMPLIANCE MILESTONES AND ACTIVITIES**

The U.S. Department of Energy and Los Alamos National Security, LLC (DOE/LANS) submit this letter pursuant to the requirements in Sections XIII and XIV of the Federal Facility Compliance Order (FFCO) (1995). This letter provides written notice to New Mexico Environment Department – Hazardous Waste Bureau (NMED-HWB) of a “force majeure” event (Section XIII), and of “inadequate funding or appropriations” (Section XIV), which may cause delays in or prevent DOE/LANS from meeting compliance deadlines and other obligations under the FFCO.

Congress has not passed an appropriations bill or a Continuing Resolution to fund DOE for fiscal year (FY) 2014, and the Los Alamos National Laboratory (LANL) has not been allocated funding for FY 2014. This situation will result in a “lapse of appropriations.” Although LANL has minimal carryover funds from FY13, it lacks access to the necessary funds to continue to execute work within the scope of the FFCO to meet requirements of the Site Treatment Plans (STP).

It is uncertain how long Congress will take to fund FY2014 planned activities. Therefore, DOE/LANS cannot at this time accurately describe the “anticipated length of delay in performance,” submit a plan for “implementing all reasonable measures to address the cause of the delay, to avoid and minimize the delay”; or submit a “schedule for implementing such plan” (*see* FFCO, Sections XIII.B and C). DOE/LANS anticipate that we will be unable to meet STP



December 2013 compliance milestones for shipment of waste off-site and associated administrative deliverables (e.g., shipment notifications, reports) due to the lack of funding. DOE/LANS will notify NMED if a continuing failure by Congress to provide funding results in our inability to meet additional obligations under the FFCO.

DOE/LANS will notify NMED as soon as possible after Congress provides funding for FY2014 activities and will provide a list of FFCO obligations that have been impacted and the actions taken or to be taken to prevent or minimize those impacts. At that time, DOE/LANS will submit a formal extension request and be in a position to readily identify the affected compliance date(s) activities pursuant to Section X (Revisions) or Section XI (Other Amendments to the STP), whichever is ultimately determined to be applicable to each deliverable or milestone being extended.

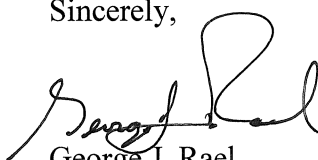
If you have any questions, please contact the STP Project Managers, Monica Noll at (505) 667-5999 or Andrew Worker at (505) 606-0787. If the lapse in appropriations is prolonged and Ms. Noll and Mr. Worker are unavailable, you may contact either Mr. George Rael at (505) 606-0397 or Dr. Michael Brandt at (505) 667-4218.

Sincerely,



Michael T. Brandt, DrPH, CIH  
Associate Director  
Environment, Safety and Health  
Los Alamos National Laboratory

Sincerely,



George J. Rael  
Assistant Manager  
National Security Missions  
Los Alamos Site Office  
National Nuclear Security Administration

MTB/MPH: PBS

Cy: John Kieling, NMED/HWB, Santa Fe, NM  
David Cobrain, NMED/HWB, Santa Fe, NM  
Laurie King, EPA Region 6, Dallas, TX (date-stamped letter emailed)  
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