



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

FFCO  ENTERED  
NEW MEXICO

ENVIRONMENT DEPARTMENT

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RYAN FLYNN  
Cabinet Secretary-Designate

BUTCH TONGATE  
Deputy Secretary

TOM BLAINE, P.E.  
Director  
Environmental Health Division

October 24, 2013

Michael T. Brandt, DrPH, CIH  
Associate Director  
Environmental, Safety and Health  
Los Alamos National Laboratory  
P.O. Box 1663, MS K491  
Los Alamos, NM 87545

George J. Rael  
Assistant Manager  
National Security Missions  
National Nuclear Security Administration  
Los Alamos Site Office, A316  
Los Alamos, NM 87545

**RE: FORCE MAJEURE UNDER THE FEDERAL FACILITIES COMPLIANCE ORDER (FFCO), SECTION XIII, DUE TO "LAPSE OF APPROPRIATIONS"**

Dear Messrs. Brandt and Rael

On October 10, 2013, LANL made a claim of force majeure under the Federal Facilities Compliance Order (FFCO), Section XIII, due to "lapse of appropriations" because of the federal government shutdown. The letter states that "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." Section XIII of the FFCO requires the written notice of force majeure to include:

- a. A detailed description of the force majeure event;
- b. The anticipated length of delay in performance that would result from the force majeure, including all compliance dates or other obligations that would be affected; and
- c. A plan for implementing all reasonable measures to address the cause of the delay, to avoid and minimize the delay, and to avoid such delays in the future, and a schedule for implementing such plan.

This information was not included in your October 10, 2013 letter. The above information will be required to be submitted to NMED prior to action on this request.



Messrs. Brandt and Rael  
October 24, 2013  
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Please contact John Kieling at (505) 476-6035 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tom Blaine". The signature is written in a cursive style with a long, sweeping underline.

Tom Blaine, P.E.  
Director  
Environmental Health Division  
New Mexico Environment Department

Cc:

J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
T. Hall, NMED HWB  
A. Worker, LANL