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JUL - 8 2013

NMED
Hazardous Waste Bureau



National Nuclear Security Administration
Los Alamos Field Office, MS A316
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Date: JUL 08 2013

Refer To: EP2013-0136

John Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Notification of Force Majeure – Stage III Fire Restrictions

Dear Mr. Kieling:

The U.S. Department of Energy and Los Alamos National Security, LLC (DOE/LANS) submit this letter pursuant to the requirement in Section III.H.3 of the March 2005 Compliance Order on Consent (Consent Order). This letter provides written notice of a force majeure event that will cause delays or will prevent Los Alamos National Laboratory (the Laboratory) from completing an obligation under the Consent Order.

On June 26, 2013, Ms. Kathryn Roberts of LANS sent an email to Mr. Dave Cobrain notifying him of the force majeure event (i.e., execution of Stage III Fire Restrictions at the Laboratory). As required by Section III.H.3 of the Consent Order, this notification was made within 72 hours of when DOE/LANS first knew this event may cause a delay in the ongoing groundwater and surface water work scope conducted under the Consent Order.

The following is a description of the event, the possible schedule impacts of the event, and actions that have been, and will be, taken to minimize any possible delays.

The Laboratory is currently under **Stage III fire restrictions** through August 3, 2013 (unless otherwise rescinded or extended). Examples of prohibited activities that may impact Consent Order work include, but are not limited to,

- performing work not considered a mission-essential activity in forested and undeveloped areas of the Laboratory and
- driving on nonestablished roads.



The Laboratory has worked with the Fire Management Officials to initiate compensatory measures and to obtain exemptions for much of the scheduled work, but limited access and safe egress issues will cause the following delays:

- Groundwater monitoring activities required under the Consent Order will be restricted to only those stations and controls that can be accessed by established and maintained roads until fire restrictions are lifted. The next groundwater monitoring campaign, which is scheduled to begin on July 8, 2103, will be postponed until the fire restrictions are lifted or until July 19, 2013. This date was selected as the cut off because it is the last date that would allow (1) fourth quarter sampling to be completed by September 30, 2013, and (2) uninterrupted sample collection within the 21-day window required by Section IX.B.2.i of the Consent Order. In the event the restrictions are in place beyond July 19, 2013, the Laboratory will begin collecting scheduled monitoring group campaigns for wells that are accessible by established and maintained roads but will not be able to collect samples from wells that are not accessible from established roads. If the restrictions are lifted later in the fourth quarter, the Laboratory will attempt to collect samples at these missed locations, but these collection dates may not fall within the required 21-day window.
- Similarly, surface water monitoring and gage station/storm water control maintenance activities required under the Consent Order will be restricted to only those stations and controls that can be accessed by established and maintained roads until fire restrictions are lifted. This restriction may result in missed sample collection opportunities and delayed inspections and maintenance of remote stations and storm water controls. These locations will be visited, and any required maintenance performed, as soon as possible after the restrictions are lifted.

DOE/LANS have taken all reasonable actions to mitigate or prevent any delays resulting from the Stage III fire restrictions. DOE/LANS will promptly notify the New Mexico Environment Department if at a later date the implementation of Stage III fire restrictions is determined to have affected any other obligations under the Consent Order.

If you have any questions, please contact Kathryn Roberts at (505) 665-0006 (kroberts@lanl.gov) or David Rhodes at (505) 665-5325 (david.rhodes@ nnsa.doe.gov).

Sincerely,



Jeff Mousseau, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



Peter Maggiore, Assistant Manager
Environmental Projects Office
Los Alamos Field Office

JM/PM/TG:sm

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Steve Yanicak, NMED-DOE-OB, MS M894
Tom Blaine, NMED-Environmental Health Division (date-stamped letter emailed)
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Annette Russell, DOE-NA-00-LA (date-stamped letter emailed)
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