

Permit

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National Nuclear Security Administration
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Date: OCT 03 2013

Refer To: EP2013-0236

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 – Government Funding of Compliance Order on Consent Activities

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, which may cause delays in or prevent DOE/LANS from completing obligations under the Consent Order. Because of the nature of the force majeure event, DOE/LANS are not able to specifically identify what obligations may be affected.

Congress has not passed an appropriations bill nor a Continuing Resolution to fund DOE for fiscal year (FY) 2014, and Los Alamos National Laboratory (the Laboratory) has not been allocated funding for FY2014. This situation will result in a “lapse of appropriations.” Although the Laboratory has some carryover funds from FY2013 for environmental cleanup, they are minimal and will be expended quickly. As a result, the Laboratory will have to suspend the majority of programs and activities currently being implemented under the Consent Order; therefore, DOE/LANS cannot perform all of the work required by the Consent Order. Only essential services will be performed, including appropriate groundwater monitoring of the chromium plume, testing and maintaining the early notification system and equipment associated with the Buckman Direct Diversion Project, and maintaining the quality of environmental sampling results.

It is uncertain how long Congress will take to fund FY2014 planned activities. Therefore, DOE/LANS cannot accurately describe the “expected duration of the delay, including any obligations that would be affected...the actions taken or to be taken by the Respondents to prevent or minimize the delay... [or] the timetable by which those actions will be implemented” at this time. However, DOE/LANS will notify the New Mexico Environment Department as soon as Congress provides funding for FY2014 activities and will provide a list of Consent Order obligations that have been impacted and the actions taken or to be taken to prevent or minimize those impacts.



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). If the lapse in appropriations is prolonged and Ms. Roberts and Mr. Rhodes are unavailable, you may contact either Mr. Pete Maggiore at (505) 665-5025 or Mr. Jeff Mousseau at (505) 606-2337.

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/KR:sm

Cy: Laurie King, EPA Region 6, Dallas, TX (date-stamped letter emailed)
Tom Skibitski, NMED-DOE-OB (date-stamped letter emailed)
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Tori George, EP-REG (date-stamped letter emailed)
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Wendy Staples, EP-REG (date-stamped letter emailed)
RPF (electronic copy)