



U.S. DEPARTMENT OF ENERGY

National Nuclear Security Administration

Los Alamos Field Office
3747 West Jemez Road, A316
Los Alamos, New Mexico 87544
(505) 667-5105/Fax (505) 667-5948

Environmental Management

Los Alamos Field Office
1200 Trinity Drive, Suite 400P
Los Alamos, New Mexico 87544
(240) 562-1122

October 17, 2025

Mr. JohnDavid Nance, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Subject: Federal Government Shutdown - Notification of Potential Noncompliance and Request for Extension of Time Under the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit, EPA ID NM0890010515

Dear Mr. Nance:

The United States Department of Energy (DOE) and its field offices, the National Nuclear Security Administration, Los Alamos Field Office (NA-LA) and the Environmental Management, Los Alamos Field Office (EM-LA), together with Triad National Security, LLC (Triad) and Newport News Nuclear BWXT-Los Alamos, LLC (N3B), the Permittees, submit this letter pursuant to Section 1.9.11 and Section 1.9.19 of the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (Permit). This letter is drafted to (1) advise the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) of the potential impacts of the shutdown of the United States Government on activities related to compliance with the Permit, and (2) request an extension of time for Permit compliance dates specifically affected by this shutdown.

Permit Section 1.9.11, Reporting Anticipated Noncompliance, requires the Permittees to provide NMED-HWB advance written notice "... of any . . . activity which may result in noncompliance with Permit requirements." Permit Section 1.9.19 of the Permit, Extensions of Time, allows the Permittees to seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the Department.

Congress has not passed an appropriations bill nor a Continuing Resolution to fund the DOE for fiscal year (FY) 2026, and LANL has not been allocated funding for FY 2026. This situation will result in a "lapse of appropriations," resulting in suspension of certain activities, discussed below, currently implemented under the Permit. Although there are carryover funds from FY 2025, the Permittees lack access to the necessary funds to continue to execute all of the work within the scope of the Permit.

Permit Section 1.9.6, Proper Operation and Maintenance, explicitly requires that, at all times the Permittees must “properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the Permittees to achieve compliance with the conditions of this Permit.” Section 1.9.6 goes on to state that “(P)roper operation and maintenance includes ... adequate funding...” In this instance, however, the Permittees lack access to the necessary funds, even though their FY 2026 funding requests were in fact adequate to ensure continued “proper operation and maintenance.” This lack of access to the necessary funds meets the definition of an unanticipated event that is beyond the control of the facility owner or co-operators.

Permit Activities Impacted

At this time the Permittees do not anticipate that any “planned changes to (a) permitted unit” within the meaning of Section 1.9.11 of the Permit will occur during the period of the shutdown. However, as a result of the “lapse of appropriations,” the Permittees anticipate being unable to perform certain “activities required for compliance” within the meaning of Permit Section 1.9.11 in a timely manner. The activities in question are administrative in nature, namely the preparation and submittal of certain reports and other administrative compliance deliverables having deadlines in the near term (see Enclosure 1). This list represents the Permittees best efforts to provide a complete accounting of the affected deliverables; however, it is subject to change if and when updated information becomes available.

Permit Activities Not Impacted

Although submittal of administrative deliverables may be delayed as described above, the Permittees wish to assure NMED-HWB that physical compliance with Permit Section 1.9.6 will be maintained at all times. All Permitted units, and all Permit-related physical facilities and systems of treatment and control and related appurtenances, will continue to be properly operated, maintained and inspected without interruption during the “lapse of appropriations.” For example, RCRA unit inspections will continue in the same manner as during the annual LANL winter closure. Likewise, in full compliance with Permit Section 1.9.11, all reasonable steps will be taken to minimize releases of hazardous wastes and hazardous constituents to the environment (should any occur). The Permittees will continue to carry out whatever reasonable measures are necessary to prevent significant adverse impacts to human health or the environment throughout the period of the shutdown.

It is uncertain how long Congress will take to fund FY 2026 planned activities. Therefore, the Permittees cannot accurately describe the anticipated length of the delay, or the number of days it would propose in a revised schedule to submit the deliverables identified in Enclosure 1, although they would request that the revised schedule be based on the actual duration of the “lapse of governmental funding.” The Permittees will notify NMED-HWB as soon as Congress provides funding for FY 2026 activities and will provide a list of Permit obligations that were impacted and a revised request for due dates for each.

If you have questions or comments for NA-LA concerning this submittal, please contact Robert A. Gallegos at (208) 569-0377.

If you have questions or comments for EM-LA concerning this submittal, please contact Brian Harcek at (505) 692-4261.

If you have questions or comments for Triad concerning this submittal, please contact Naveen Chennubhotla at (505) 629-7401.

If you have questions or comments for N3B concerning this submittal, please contact Christian Maupin at (505) 695-4281.

Sincerely,

**THEODORE
WYKA**

Digitally signed by
THEODORE WYKA
Date: 2025.10.18
12:47:10 -06'00'

Theodore A. Wyka
Manager
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Field Office

Sincerely,

**JESSICA
KUNKLE**

Digitally signed by
JESSICA KUNKLE
Date: 2025.10.21
11:04:02 -06'00'

Jessica M. Kunkle
Manager
U.S. Department of Energy
Environmental Management
Los Alamos Field Office

Sincerely,

**STEVEN A.
COLEMAN (Affiliate)**

Digitally signed by STEVEN
A. COLEMAN (Affiliate)
Date: 2025.10.17 14:55:45
-06'00'

Steven A. Coleman
Associate Laboratory Director
Environment, Safety, Health, and Quality
Triad National Security, LLC

Sincerely,



Bradley A. Smith
President
Newport News Nuclear BWXT –
Los Alamos, LLC

Attachment: Near Term Planned Activities and Deliverables

copy w/attachment:

Laurie King, USEPA/Region 6, Dallas, TX, king.laurie@epa.gov
JohnDavid Nance, NMED, Santa Fe, NM, jd.nance@env.nm.gov
Neelam Dhawan, NMED-HWB, Santa Fe, NM, neelam.dhawan@env.nm.gov
Siona Briley, NMED-HWB, Santa Fe, NM, siona.briley@env.nm.gov
Theodore A. Wyka, NA-LA, theodore.wyka@nnsa.doe.gov
Peter Duklis, NA-LA, peter.duklis@nnsa.doe.gov
Dennis Svatos, NA-LA, dennis.svatos@nnsa.doe.gov
Karen E. Armijo, NA-LA, karen.armijo@nnsa.doe.gov
Robert A. Gallegos, NA-LA, robert.gallegos@nnsa.doe.gov
Emmett Armour, NA-LA, emmett.armour@nnsa.doe.gov
Stephen Jochem, NA-LA, stephen.jochem@nnsa.doe.gov
Jessica M. Kunkle, EM-LA, jessica.kunkle@em.doe.gov
Brian G. Harcek, EM-LA, brian.harcek@em.doe.gov
Sarah "Ellie" Gilbertson, EM-LA, sarah.gilbertson@em.doe.gov
John H. Evans, EM-LA, john.h.evans@em.doe.gov
Robert Reine, EM-LA, robert.reine@em.doe.gov

Mark E. Davis, Triad, DDOPS, mark.davis@lanl.gov
Liana M. Lovato, Triad, DDOPS, lianaa@lanl.gov
Steven A. Coleman, Triad, ALDESHQ, scoleman@lanl.gov
Jennifer E. Payne, Triad, ALDESHQ, jpayne@lanl.gov
Steven L. Story, Triad, EPC-DO, story@lanl.gov
Katherine Higgins, Triad, EPC-DO, kwurden@lanl.gov
Francesca Trujillo, Triad, EPC-DO, francesca@lanl.gov
Melissa Bitting, Triad, GC-IPER, mbitting@lanl.gov
Andrew Thiros, Triad, GC-IPER, thiros@lanl.gov
Jessica L. Moseley, Triad, EPC-WMP, jmoseley@lanl.gov
James M. Eby, Triad, EPC-WMP, jeby@lanl.gov
Naveen Chennubhotla, Triad, EPC-WMP, naveenc@lanl.gov
Cecilia Trujillo, Triad, EPC-WMP, ceciliat@lanl.gov
Bradley Smith, N3B, bradley.smith@em-la.doe.gov
Robert Edwards III, N3B, robert.edwards@em-la.doe.gov
Christian Maupin, N3B, christian.maupin@em-la.doe.gov
Jennifer Von Rohr, N3B, jennifer.vonrohr@em-la.doe.gov
Silas DeRoma, N3B, silas.deroma@em-la.doe.gov
Mark Lesinski, N3B, mark.lesinski@em-la.doe.gov
rcra-permitting@lanl.gov
rcra-prr@lanl.gov
eshq-dcrm@lanl.gov
locatesteam@lanl.gov
epccorrespondence@lanl.gov
lasomailbox@nnsa.doe.gov
RegDocs@EM-LA.DOE.GOV
n3brecords@em-la.doe.gov
EMLA.docs@em.doe.gov
interface@lanl.gov
N3Binterface@em-la.doe.gov



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Received

OCT 22 2025

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ENCLOSURE

Near Term Planned Activities and Deliverables

Near Term Planned Activities and Deliverables

| Document | Requirement Location | Deadline |
|--|----------------------------------|--|
| Noncompliance Report | PS 1.9.13 & 1.9.14 | December 1 |
| Waste minimization report | PS 2.9 | December 1 |
| CCP WIPP NCR Drum Report | July 9, 2020 NMED letter | December 31 |
| List and schedule for D&D activities | PS 1.17 | December 31 |
| TA-63 Soil Vapor Monitoring Report | PS 3.14 | Quarterly |
| Electronic Information Repository annual training | PS 1.10 | Scheduled for November 12 |
| Public information meeting regarding venting of Flanged Tritium Waste Containers | September 5, 2025 NMED letter | To be scheduled on or before November 12 |
| Negotiation regarding permit renewal fee appeal | October 6, 2025 Permittee letter | Ongoing |