

Federal Agencies to Implement Contingency Plans Following Government Shut-down: Update #4

Robert Szabo and Richard Agnew

The federal government shutdown is in its 13th day, with only three days left before the nation reaches the limits of its borrowing authority on October 17th. Reports are circulating in Washington this afternoon of a possible long-term deal to resolve both the issues of funding the government in fiscal year 2014 and raising the nation's debt limit for a meaningful period of time. So, where are we today on the shut-down of various departments and agencies of the federal government?

AGENCY UPDATES

[Energy Information Administration \(EIA\)](#) (NEW). The EIA is a division of the [Department of Energy](#). As of October 11, EIA ceased releasing reports and data, and its Information Center was closed. Respondents to EIA data collection efforts are instructed to continue reporting on a normal schedule; however, no staff at EIA will be available to respond to questions regarding submissions.

National Park Service (NPS) (UPDATE). The National Park Service remains closed except for essential activities. However, since our last update, the agency has reached agreements with several states to temporarily re-open certain national parks using state and other non-federal funding. These arrangements recognize the substantial economic impact that closure of the national parks is having on many communities and local businesses. To date, [re-opened parks](#) include:

- [Mount Rushmore National Memorial](#), South Dakota, through Oct. 23 for \$152,000;
- [Grand Canyon National Park](#), Arizona, funded through Oct. 18 for \$651,000;
- [Statue of Liberty National Monument](#), New York, funded through Oct. 17 for \$369,000;
- [Rocky Mountain National Park](#), Colorado, funded through Oct. 20 for \$362,700; and
- [Eight national parks in Utah](#), funded through Oct. 20 for \$1,665,720.80.

NPS is considering similar agreements with other states that have expressed interest in funding the reopening of certain national parks within their boundaries. Reportedly, the governors of Washington, Nevada, and Wyoming [have rejected this option](#). In addition, the agency continues to consider the reopening, on a case-by-case basis, of specific national park concession operations that can be accessed by open through-roads or private property and that do not require additional federal funding to operate.



Nuclear Regulatory Commission (NRC) (UPDATE). On October 10, NRC sent almost all of its employees furlough notices as the Commission's prior-year funding ran out. The [NRC shut-down plan](#) provides for approximately 300 of the Commission's 3,900 employees to report to work during the lapse in federal appropriations, including resident inspectors and personnel needed to respond to an emergency event. In addition, all public meetings and enforcement proceedings are suspended during the government shut-down, except for the Yucca Mountain licensing proceeding, as that project is funded separately by the Nuclear Waste Fund. A post on the [NRC blog](#) offers further information.

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Avi Zevin, Gabe Tabak, and Mike O'Neill, Van Ness Feldman's newest associates, contributed to this alert.

In February 2012, Van Ness Feldman expanded its capabilities by combining practices with the Seattle law firm of GordonDerr LLP, a preeminent real estate, land use, water law, and civil litigation firm in the Pacific Northwest. Learn more at www.vnf.com.

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