

Consent Order
MISC
General

Cobrain, Dave, NMENV

 **ENTERED**

From: George, Victoria A [torig@lanl.gov]
Sent: Wednesday, June 29, 2011 5:17 PM
To: Cobrain, Dave, NMENV; Kieling, John, NMENV
Cc: Rael, George J; Maggiore, Peter; Graham, Michael J; Schappell, Bruce G; Cox, Daniel R; Woitte, Deborah K; McNeel, John W
Subject: Written Notice of Force Majeure - Conchas Fire

Mr. Cobrain:

As you know, on the morning of Monday, June 28, 2011, Pete Maggiore and I made a verbal notice of force majeure to the NMED Hazardous Waste Bureau under the terms of the March, 2005 Compliance Order on Consent (the "Consent Order"). Mr. Maggiore and I made this notice on behalf of the Department of Energy ("DOE") and Los Alamos National Security ("LANS").

When we spoke to you and John Kieling that morning, we discussed the Conchas fire that had began early on the afternoon of Sunday the 26th and the fact that the fire had resulted in the closure of Los Alamos National Laboratory (the "Laboratory") on Monday the 27th. We explained that we did not know the extent of the impact of the fire on Consent Order work, but that we believed the notice was appropriate.

As you know, the Conchas fire has continued to grow. The Laboratory remains closed and the town of Los Alamos is under mandatory evacuation.

The Consent Order requires written notice of force majeure within seven days of the verbal notice. On the afternoon of Tuesday, June 28th, you called me to discuss the force majeure notice. We discussed the fact that there are Consent Order deliverables due this week, and in the future, that we will not be able to deliver on the current due date because of the impacts of the fire. Due to the continued closure of the Laboratory, you explained that an email would meet the Consent Order requirement for written notice.

Therefore, this email constitutes DOE's and LANS's written notice of force majeure due to the impact of the Conchas fire on Laboratory operations. This notice is made pursuant to Section III.H. of the Consent Order.

Section III.H.3. requires the seven day notice to describe the cause of the delay, the expected duration of the delay, the actions being taken to minimize the delay, and a timetable by which those actions will be implemented. The cause of the delay is the Conchas fire. Significant state and federal resources are being taken to address and minimize the impacts of this fire. However, as we discussed on Tuesday afternoon, the fire is still ongoing, and therefore it is not possible to define the expected duration of the delay, additional actions that might minimize the delay, or a timetable for implementation.

As we also discussed on Tuesday, DOE and LANS will send a follow-up letter that addresses these issues soon after the Laboratory resumes normal operations and the extent and length of the Conchas fire's impact can be determined.

I would also like to thank you and the managers and staff of the Hazardous Waste Bureau for your understanding and support through this emergency situation.

If you have any questions, please don't hesitate to contact me at 505-699-2813 or Pete Maggiore at 505-695-5109. We can also be reached at the email addresses above.

Sincerely,



Tori George

Program Director for Regulatory Management Environmental Programs Los Alamos National
Laboratory