

General



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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DAVE MARTIN
Cabinet Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 5, 2011

George J. Rael, Assistant Manager
Environmental Projects Office
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Graham, Associate Director
Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

**RE: NOTIFICATION
FORCE MAJEURE – LAS CONCHES WILDFIRE
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-MISC**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) email notification of LANL Facility closure. The email notification was sent by Ms. Tori George on June 29, 2011. The notification states that Los Alamos National Laboratory is currently closed due to the potential threat to the Laboratory caused by the Las Conchas wildfire. The length of time that the Facility will be closed was undetermined at the time of this notification. In accordance with Section III.H.3 of the March 1, 2005 Compliance Order on Consent (Consent Order), the Permittees provided a verbal notification of force majeure to NMED on June 27, 2011 and initial written notification by email on June 29, 2011. The Permittees commit, in the written notification, to send additional correspondence after normal operations resume.

This correspondence constitutes written notice of NMED's agreement under Section III.H.3 of the Consent Order that a force majeure event has occurred. The Permittees must provide notification by email to NMED within one business day after normal Laboratory operations have

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resumed. The Permittees must submit a written notification of force majeure that identifies the submittal dates and any other deadlines affected by this force majeure event and the length of time that force majeure was in effect within seven business days of the resumption of normal Laboratory operations. NMED agrees that a delay in the submittal dates for selected documents either are or may ultimately be attributable to this event, but expects the Permittees to nevertheless exercise due diligence to minimize the delays that will be identified in the notification.

Please contact Dave Cobrain at (505) 476-6055 if have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Kieling", with a small "for" written below it.

John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
P. Maggiore, DOE LASO, MS A316
V. George, EP-CAP, MS M992

File: Reading and LANL Consent Order 2011