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DEPARTMENT OF ENERGY
 National Nuclear Security Administration
 Los Alamos Site Office
 Los Alamos, New Mexico 87544

OCT 24 2006



Mr. James Bearzi, Chief
 New Mexico Environment Department
 Hazardous Waste Bureau
 2905 Rodeo Park Drive East, Building 1
 Santa Fe, NM 87505-6303

SUBJECT: Notification of Force Majeure for the "Inspection Report for Work Plan For Corrective Action Of SWMU 73-002 And Investigation Of Consolidated Unit 73-002-99"

Dear Mr. Bearzi:

In accordance with Section III.H of the Consent Order, the National Nuclear Security Administration (NNSA) is notifying the New Mexico Environment Department (NMED) that a force majeure event beyond the reasonable control of NNSA has occurred which will delay the submittal of the "Investigation Report for Solid Waste Management Unit 73-002 And Investigation Of Consolidated Unit 73-002-99." This letter serves as follow up to our 72-hour notification, via email from David Gregory to James Bearzi, submitted on October 13, 2006.

The cause of the delay is the discovery of regulated asbestos-containing material present in the ash waste at SWMU 73-002, (Ash pile). Material was first discovered on Tuesday, Oct 10 and samples were collected for analysis on October 10 and October 12. This project is in stand-down mode until all necessary safety measures are in place to allow safe retrieval, transport and disposal of asbestos containing waste. All requisite notifications to the NMED's Air Quality Bureau were made within appropriate times. A duly licensed asbestos abatement contractor has now been procured.

As you are aware, the Investigation Report was due on September 12, 2006. Previous events, including the discovery of unexploded ordnance in November 2005, and new regulations governing execution of Interagency Agreements with the contractor performing the work, caused us to miss the deadline. By letter dated August 25, 2006, we requested an extension until January 2007. NMED denied this request. The discovery of asbestos and the necessary measures taken by DOE to allow work at an asbestos abatement site will cause delays to the schedule for completion of the Investigation Report.

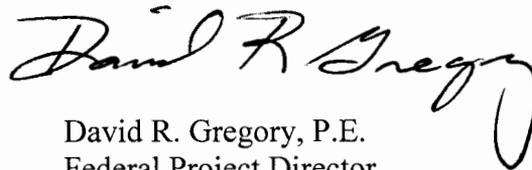
The following actions have been or will be implemented to prevent and/or minimize further delays:

1. Requisite training for asbestos workers done concurrently with procurement of asbestos abatement contractor.
2. Asbestos training provided through an independent rather than using the next training cycle available locally.
3. Developed alternative methods for double wrapping waste material to minimize lost time once retrieval activities resume.

Because of the actions taken by DOE to minimize down time, we anticipate the total number of days lost, because of these events, to be approximately 27 work days. A more precise estimate of schedule delays will be provided once rates of waste retrieval are developed.

If you have any questions, please call me at (505) 665-5808.

Sincerely,



David R. Gregory, P.E.
Federal Project Director
Environmental Operations

EO: 2DG-005

cc:

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