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ENVIRONMENT DEPARTMENT

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RON CURRY
SECRETARY

Reading file
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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 15, 2006

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

**RE: NOTICE OF AGREEMENT
NOTIFICATION OF FORCE MAJEURE FOR THE "INVESTIGATION
REPORT FOR CORRECTIVE ACTION OF SOLID WASTE MANAGEMENT
UNIT (SWMU) 73-002 AND CONSOLIDATED UNIT 73-002-99"
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515, HWB-LANL-05-005**

Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the *Notification of Force Majeure for the "Investigation Work Plan for Corrective Action of SWMU 73-002 and Investigation of Consolidated Unit 73-002-99"*, dated December 8, 2006 (Notification). The United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, "the Respondents") state in their Notification that accumulation of snow at the site was a force majeure event beyond the reasonable control of the Respondents. Accumulation of snow at SWMU 73-002 (Ashpile) created "extremely treacherous work conditions", and therefore work was halted until site conditions were deemed safe to resume field work.

In accordance with Section III.H.3 of the March 1, 2005 Consent Order (Order), NMED is providing written notice of its agreement that a force majeure event has occurred.

NMED agrees with the Respondents that a delay for submitting the investigation report may



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Messrs. Gregory and McInroy

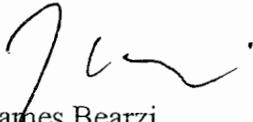
December 15, 2006

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ultimately be attributable to this event. In accordance with Section III.H.3, stipulated penalties shall not accrue for a period of 14 days, as identified by the Respondents in the Notification. NMED expects that the Respondents will nevertheless exercise due diligence to minimize the delay described in this Notification.

Should you have any questions, please contact Kathryn Chamberlain at (505) 476-6046.

Sincerely,



James Bearzi

Chief

Hazardous Waste Bureau

JPB:kmc

cc: K. Chamberlain, NMED HWB
D. Goering, NMED HWB
C. de Saillan, OGC
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
G. Rael, DOE LASO, MS A316
A. Phelps, AD LANS, MS J591
file: Reading and LANL TA-73 '06 (SWMU 73-002-99: (73-002, 73-003, 73-004(a,b), 73-006)