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State of New Mexico  
**ENVIRONMENT DEPARTMENT**

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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

January 16, 2007

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> 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**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the *Notification of Force Majeure for the "Investigation Report for Work Plan for Corrective Action of SWMU 73-002 and Investigation of Consolidated Unit 73-002-99"*, dated January 12, 2007 (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 (approximately 32 inches) at the site was beyond the reasonable control of the Respondents. Accumulation of snow at SWMU 73-002 (Ashpile) created "extremely treacherous work conditions", and therefore the project is "in stand-down mode until conditions on the side slope have improved to allow work to resume safely."



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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 ultimately be attributable to this event. In accordance with Section III.H.3, stipulated penalties shall not accrue for the number of days to be determined once work resumes, 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. Once work resumes, the Respondents must notify NMED of the actual delay resulting from the event.

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, NMED OGC  
S. Yanicak, NMED DOE OB, MS J993  
L. King, EPA 6PD-N  
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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)