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State of New Mexico
ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 23, 2007

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
FORCE MAJEURE FOR THE REMEDY COMPLETION REPORT FOR SOLID
WASTE MANAGEMENT UNIT (SWMU) 73-001(a-d), 73-004(d)
LOS ALAMOS NATIONAL LABORATORY, NM0890010515
HWB-LANL-06-018

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the *Notification of Force Majeure for the "Remedy Completion Report for Solid Waste Management Unit (SWMU) 73-001(a-d), 73-004(d)"*, dated February 20, 2007 (Notification). The United States Department of Energy and the Los Alamos National Security, LLC (collectively, "the Respondents") state in their Notification that the most recent snow fall event has caused the placing, shaping, and contouring of the infiltration material at the landfill to be halted. Because of the snow, it is unsafe to continue work on the slope and is impossible to perform compaction testing of the material that has been placed. In addition, the delivery of infiltration material to the landfill has been delayed due to similar safety hazards associated with the snow at the stockpile. The Respondents request that NMED agree that the recent snow event is considered a force majeure



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Messrs. Gregory and McInroy
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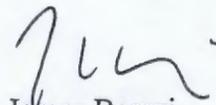
event beyond the reasonable control of the Respondents. In accordance with Section III.H.3 of the March 1, 2005 Consent Order (Order), NMED is providing written notice of its preliminary agreement that a force majeure event has occurred.

The Respondents state that the "impact of the recent snow, combined with the predictions of additional snow next week" will prevent them from restarting work for at least two weeks. The Respondents state that by exercising due diligence, the delay will be minimized.

NMED agrees with the Respondents that a delay for submitting the remedy completion report may ultimately be attributable to the recent snow event and that any additional snow may cause even more delay than already anticipated. NMED expects that the Respondents will nevertheless exercise due diligence as defined in Section III.H.1 of the Order, and overcome the delay described in this Notification. Following commencement of field activities, the Respondents must notify NMED of the actual delay resulting from the event.

Should you have any questions, please feel free to contact Darlene Goering of my staff at (505) 476-6042.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

JPB:dxg

cc: D. Goering, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
G. Rael, DOE LASO, MS A316
A. Phelps, LANL MS M591
file: Reading and LANL TA-73 '07