NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

DAVE MARTIN
Cabinet Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 2, 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: NOTICE OF AGREEMENT
FORCE MAJEURE
R-61 WELL COMPLETION
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-MISC-GW

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) *Update on April 25, 2011, Oral Notification of Delays at Well R-61 and Written Notice of Force Majeure* (Notification), dated April 28, 2011 and referenced by EP2011-0174. In accordance with Section III.H.3 of the March 1, 2005 Compliance Order on Consent (Consent Order), the Permittees provided a verbal notification to NMED on April 25, 2011.

The Permittees state in the Notification that delay in the completion of well R-61 was caused by high winds during the project, resulting in subcontractor shutdowns for all or part of six days.

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. NMED agrees that a delay in completing R-61 may ultimately be attributable to this event, but expects the Permittees to nevertheless exercise due diligence to minimize the delay described in the Notification. Under

Section III.H.3 of the Consent Order, the completion date of well R-61 is extended by the actual delay resulting from the force majeure event (six days) – **May 9, 2011**.

Please contact Michael Dale at (505) 476-6052 should you have any questions.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
M. Dale, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
T. Ball, EP-CAP MS M996
W. Woodworth, DOE LASO, MS A316
File: Reading and LANL 2011