



National Nuclear Security Administration
Los Alamos Site Office, MS A316
Environmental Restoration Program
Los Alamos, New Mexico 87544
(505) 667-4255/FAX (505) 606-2132

Date: **OCT 22 2012**
Refer To: EP2012-0250

John Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building I
Santa Fe, NM 87505-6303

Subject: Modification to the March 1, 2005, Compliance Order on Consent

Dear Mr. Kieling:

The U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) are requesting the New Mexico Environment Department's (NMED's) review and approval of a proposed modification of the March 2005 Compliance Order on Consent (Consent Order). This modification request, which is submitted in accordance with Section III.J.1 of the Consent Order, proposes to add Section III.Z that specifies the requirement to maintain a publicly accessible environmental database (e.g., *Intellus NM*) to the Consent Order.

Section III.J states that all modifications to the Consent Order must be in writing and signed by all Parties, and all modifications are subject to the same procedural rights that would apply to those modifications if made under Los Alamos National Laboratory's (the Laboratory's) Hazardous Waste Permit. These procedural rights are described in Title 40 of the Code of Federal Regulations Section 270.42 (40 CFR 270.42) (implemented by 20.4.1.900 New Mexico Administrative Code). After discussions with your staff, DOE/LANS are submitting this request as a Class 1*. In addition to this modification request, a Class 1* modification requires the following two steps before the modification is implemented:

- Approval by the Secretary, and
- DOE/LANS will send a written notice of this modification to all persons on the NMED Hazardous Waste Bureau-maintained Laboratory facility mailing list and to appropriate state, local, and tribal governments. This notice will be sent within 90 calendar days after the Secretary approves the modification.

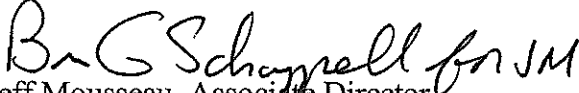
While NMED is reviewing this Class 1* modification request, DOE/LANS will complete the uploading of analytical quality assurance/quality control and data validation packages associated with Consent Order data from March 2005 to December 2010. DOE/LANS anticipate this activity will be completed in the next few weeks.

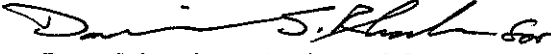
This Consent Order modification request package includes this transmittal letter, the Consent Order modification request, and pages of the revised portions of the Consent Order. Hard copy of revised pages is provided in redline-strikeout form, along with the MS Word file used to create the hard copy.

If you have any questions, please contact Jeff Mousseau at (505) 606-2337 (jmousseau@lanl.gov) or Peter Maggiore at (505) 665-5653 (peter.maggiore@nnsa.doe.gov).

Sincerely,

Sincerely,


Jeff Mousseau, Associate Director
Environmental Programs
Los Alamos National Laboratory


Peter Maggiore, Assistant Manager
Environmental Projects Office
Los Alamos Site Office

JM/PM/TG:sm

Attachments: (1) Class I Consent Order Modification
(2) Revised Pages of the Compliance Order on Consent
(3) Electronic copy of the redline-strikeout and the MS Word file used to create the hard copy

Cy: (w/att.)

Laurie King, EPA Region 6, Dallas, TX
Steve Yanicak, NMED-DOE-OB, MS M894
Chris Echohawk, ENV-EDA, MS M996
Lisa Cummings, DOE-LASO, MS A316
Brett Henrikson, LC-LESH, MS A187
William Alexander, EP-BPS, MS M992
Public Reading Room, MS M992 (hard copy)
RPF (electronic copy)

Cy: (w/o att.)

Jim Davis, NMED-Resource Protection, Santa Fe, NM (date-stamped letter emailed)
Tom Skibitski, NMED-OB (date-stamped letter emailed)
Annette Russell, DOE-LASO (date-stamped letter emailed)
David Rhodes, DOE-LASO (date-stamped letter emailed)
Peter Maggiore, DOE-LASO (date-stamped letter emailed)
Kent Rich, EP CAP (date-stamped letter emailed)
Craig Douglass, EP-CAP (date-stamped letter emailed)
Dave McNroy, EP-CAP (date-stamped letter emailed)
Tori George, EP-REG (date-stamped letter emailed)
Dan Cox, ADEP (date-stamped letter emailed)
Bruce Schappell, ADEP (date-stamped letter emailed)
Jeff Mousseau, ADEP (date-stamped letter emailed)