

*Environmental Programs*  
P.O. Box 1663, MS M991  
Los Alamos, New Mexico 87545  
(505) 606-2337/FAX (505) 665-1812



*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: **JAN 23 2012**  
Refer To: EP2012-0009

John Kieling, Acting Bureau Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303

**Subject: Request for Modification of the March 2005 Compliance Order on Consent**

Dear Mr. Kieling:

The U.S. Department of Energy (DOE) and Los Alamos National Security (LANS), LLC, request the approval of a Class 1\* modification to the March 2005 Compliance Order on Consent (Consent Order) in accordance with Section III.J.1, Procedures for Modifying Provisions of the Consent Order. Because this proposed modification is subject to the same procedural rights that would apply to these modifications if made under the Los Alamos National Laboratory's Hazardous Waste Permit, this request for prior approval is submitted in accordance with 40 Code of Federal Regulations (CFR) 270.42(a)(2) for a Class 1\* modification.

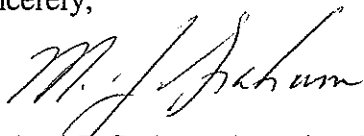
This proposed modification is limited to the following two issues.

- ***The scope of groundwater monitoring plans.*** The initial Interim Facility-Wide Groundwater Monitoring Plan (IFGMP) required in Section IV.A.3.b included the preparation of periodic monitoring reports (PMRs) for 7 watersheds. The intent of this section was to provide an annual update to the IFGMP to include any changes until the monitoring network satisfied the New Mexico Environment Department's (NMED's) requirements for a watershed-specific, long-term monitoring plan. DOE/LANS have identified the need to tailor groundwater monitoring to site-specific areas rather than watersheds, where appropriate, to better support remedy selection. The proposed language changes in this modification request offer the option for a site-specific monitoring plan in place of a watershed-specific monitoring plan, where appropriate.
- ***The General Facility Information report.*** The proposed language reduces the frequency of submittal for the General Facility Information report in Section IV.A.2 from annual to triennial to reduce the administrative burden for both NMED and DOE/LANS. This proposed change reflects the fact that most of the information in the GFI report is the same from year-to-year.

This letter and its attachments serve to specify the changes being made to the Consent Order and supporting documents in accordance with 40 CFR 270.42(a)(i). Attachment 1 presents a summary of proposed changes and the accompanying CD includes the complete proposed modifications to the Consent Order in redline-strikeout mode. Pursuant to 40 CFR 270.42(a)(ii), DOE/LANS will send a notice describing the modification to the facility mailing list and the appropriate units of tribal, state and local governments and issue a public notice within 90 calendar days of NMED's approval of this request.

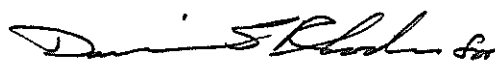
If you have any questions, please contact Steve Paris at (505) 606-0915 (smparis@lanl.gov) or Hai Shen at (505) 665-5046 (hai.shen@nnsa.doe.gov).

Sincerely,



Michael J. Graham, Associate Director  
Environmental Programs  
Los Alamos National Laboratory

Sincerely,



George J. Rael, Assistant Manager  
Environmental Projects Office  
Los Alamos Site Office

MG/GR/TG/SP:sm

Attachment: (1) Summary of Requested Modifications to the Compliance Order on Consent  
(2) CD of the Compliance Order on Consent with Proposed Modifications

Cy: (w/att.)  
Laurie King, EPA Region 6, Dallas, TX  
Steve Yanicak, NMED-DOE-OB, MS M894  
Hai Shen, DOE-LASO, MS A316  
Steve Paris, EP-CAP, MS M992  
William Alexander, EP-BPS, MS M992  
RPF, MS M707 (electronic copy)  
Public Reading Room, MS M992 (hard copy)

Cy: (w/o att.)  
Jim Davis, NMED-Resource Protection, Santa Fe, NM (date-stamped letter emailed)  
Tom Skibitski, NMED-OB, Santa Fe, NM (date-stamped letter emailed)  
Annette Russell, DOE-LASO (date-stamped letter emailed)  
David Rhodes, DOE-LASO, MS A316 (date-stamped letter emailed)  
Peter Maggiore, DOE-LASO, MS A316 (date-stamped letter emailed)  
Annette Russell, DOE-LASO (date-stamped letter emailed)  
Kent Rich, EP-CAP, MS M992 (date-stamped letter emailed)  
Craig Douglass, EP-CAP, MS M992 (date-stamped letter emailed)  
Dave McInroy, EP-CAP, MS M996 (date-stamped letter emailed)  
Tori George, EP-REG, MS M991 (date-stamped letter emailed)  
Jarrett Rice, ADEP, MS M991 (date-stamped letter emailed)  
Bruce Schappell, ADEP, MS M991 (date-stamped letter emailed)  
Dan Cox, ADEP, MS M991 (date-stamped letter emailed)