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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

May 15, 2008

SUBJECT: PROPOSED CHANGES TO THE FOOTNOTES IN TABLES XII-2 AND XII-3 OF THE MARCH 1, 2005 COMPLIANCE ORDER ON CONSENT FOR LOS ALAMOS NATIONAL LABORATORY

Dear Interested Person:

This letter is to inform you of the proposed change to Tables XII-2 and XII-3 in the March 1, 2005 Compliance Order on Consent (Order) between the New Mexico Environment Department (NMED), the United States Department of Energy (DOE), and the Los Alamos National Security, L.L.C. (LANS). Two footnotes in Tables XII-2 and XII-3 concerning "Notice Dates" for Corrective Measure Evaluations (CME) and Corrective Measure Studies (CMS) are inconsistent with the language in Section VII.D.7 of the Order. Removal of the footnotes eliminates a conflict between the tables in Section XII and Section VII.D.7 of the Order.

Footnote numbers three and four in Table XII-2 and footnote numbers two and four in Table XII-3 of the Schedule Tables in Section XII of the Order, dated November 27, 2006, refer to "Notice Dates" for CMEs and CMSs. In the table footnotes, a CME or CMS Notice Date is defined as the date by which NMED selects a final remedy for a solid waste management unit (SWMU) or Area of Concern (AOC). The final remedy is chosen following a public comment period, and in some cases, a public hearing. All written comments are considered by NMED prior to selecting a final remedy or remedies. NMED will issue a response to public comments at the time of its final decision. However, in Section VII.D.7 the Notice Date is defined as approval of the CME document; not the selection of the final remedy.

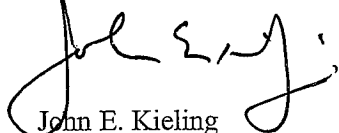
The proposed changes to Tables XII-2 and XII-3 clarify that Section VII.D.7 of the Order governs the Notice Dates for NMED approval of CME and CMS Reports. The proposed changes do not alter the schedule for investigation or cleanup (including corrective action), or any other requirements of the Order. Removal of the footnotes also clarifies that public participation is conducted in accordance with 20.4.1.901 of the New Mexico Administrative Code (NMAC) and is not limited by the Notice Dates for document approval listed in the Order. A redline strikeout version as well as a revised version of Tables XII-2 and XII-3 can be viewed on NMED's website at www.nmenv.state.nm.us/hwb/lanlperm.html, under the heading "Order on Consent, Notice of Table Footnote Changes (5-9-2008)".

Any person seeking additional information regarding this letter may contact:

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Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and "K".

John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau