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Title: Implementing Environmental Requirements

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Environmental Regulatory Document

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EPC-ES-FSD-001

Revision: **1**



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**Environment, Safety, Health, Quality, Safeguards, and Security Directorate**  
**Environmental Protection and Compliance Division**  
**Environmental Stewardship Group**  
**Functional Series Document**

**Implementing Environmental Requirements**

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### REVISION HISTORY

Document Number and Revision	Effective Date	Description of Changes
P401, Rev. 0	10/31/08	Renumbered document, IMP 401, <i>Procedure to Identify, Communicate, and Implement Environmental Requirements</i> .
P401, Rev. 1	08/31/10	Reformatted to meet the requirements set forth in <a href="#">P311-1</a> , <i>Creating, Revising, and Cancelling Institutional Documents</i> .
P401, Rev. 2	12/11/12	Updated DOE Orders to reflect what is currently in the <a href="#">Prime Contract</a> . Section 5.0: Updated to reflect effective date of January 25, 2013 for nuclear, high- and moderate-hazard facilities and accelerators. Updated links, titles, and acronyms.
P401, Rev. 3	02/27/14	Issued as a PROVISIONAL document until April 8, 2014. Title changed from "Procedure to Identify, Communicate, and Implement Environmental Requirements" to "Implementing Environmental Requirements." Updated to reflect revised environmental requirements found in the <a href="#">Prime Contract</a> . Section 3.0 updated to better describe receipt, review, and placement of environmental requirements for management at LANL. Deleted Attachment C and Figure 1, <i>Prime Contract Appendix G Process for Managing Contract Change</i> , Updated links, titles, and acronyms.
P401, Rev. 3	04/08/14	Document became effective and is no longer PROVISIONAL.

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Document Number and Revision	Effective Date	Description of Changes
P401, Rev. 4	09/02/15	Section 3.1: Added a sentence in the last paragraph to address new compliance assessment and tracking issues. Removed Section 4.2, <i>Associate Director for Environmental Programs (ADEP)</i> . Section 6.0: Updated course training title to <i>Environmental Awareness Training</i> . Section 11.1: Added a reference to PD400, <i>Environmental Protection</i> . Updated references in Tables. Table A-5: Changed title from <i>Ecological</i> to <i>Biological</i> . Table A-6: Changed title from <i>Risk Reduction</i> to <i>Cultural</i> and updated all references. Added a new Table A-9, <i>Multiple Media</i> .
P401, Rev. 5	10/19/15	Section 3.1: Updated last paragraph to clarify intended applicability for self-evaluation. Programs responsible for oversight of institutional environmental requirements will periodically self-evaluate and document compliance with those requirements. Periodicity for self-evaluation must be defined, but frequency may vary as appropriate for the individual requirement.
P401, Rev. 5 Admin. Chg. 1	05/18/17	Updated organization names, organizational document titles and dates, and DOE Orders, removed two Executive Orders; Updated hyperlinks.
EPC-ES-FSD-001, Rev. 0	10/23/17	This new functional series document replaces P401, <i>Implementing Environmental Requirements</i> , which is being cancelled. Updated issuing authority to EPC-DO; updated standard referenced from ISO 14001:2004 to ISO 14001:2015; replaced reference to PD400 with SD400 Rev.4.
EPC-ES-FSD-001, Rev. 1	3/31/2020	Updated organization and manager name changes. Aligned with Triad, LLC. Prime Contract. Reorganized tables listing requirements.

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## 1.0 PURPOSE

The purpose of this document is to describe the processes for identifying, communicating, and implementing environmental requirements at the Los Alamos National Laboratory (LANL) for Triad National Security, LLC (Triad). References to LANL or the Laboratory refer to the Department of Energy, National Nuclear Security Administration (DOE/NNSA) managed portion of LANL. References to the Prime Contract refer to the contract between DOE/NNSA and Triad and does not apply to the portion of Technical Area 54 now managed and operated by DOE Environmental Management (EM-LA).

Environmental requirements applicable to the Laboratory may derive from legal or other sources. Examples include statutes, laws, regulations, orders and permits mandated by Federal, State and local governmental agencies, Executive Orders, Department of Energy (DOE) directives, [Prime Contract](#) requirements, Memoranda of Understanding (MOUs), and are predominantly associated with a different purpose, for example, an environmental requirement may be defined within a directive on the subject of procurement. See the attached tables for listings of identified environmental requirements.

## 2.0 AUTHORITY AND APPLICABILITY

### 2.1 Authority

This Functional Series Document (FSD) supports implementation of the institutional System Description (SD) document [SD400](#) *Environmental Management System* and the Laboratory's certification to ISO 14001:2015 *Environmental Management Systems*. This document is issued by the Environmental Protection and Compliance (EPC) Division, Environmental Stewardship Group under the authority of the Laboratory Director to direct the management and operation of the Laboratory, as delegated to the Associate Laboratory Director for Environment, Safety, Health, Quality, Safeguards and Security (ALDESHQSS) and as provided in the [Prime Contract](#). The EPC Division provides core environmental support to the institution. This document derives from the Laboratory [Governing Policies](#), particularly the section on Environment, and in partial fulfillment of the requirements and intent of the Contractor Requirements Document (CRD) contained within [DOE Order 436.1](#), *Departmental Sustainability* regarding implementation of an environmental management system.

- Issuing Authority (IA): Environmental Protection and Compliance Division (EPC-DO)
- Responsible Manager (RM): Environmental Protection and Compliance (EPC) Environmental Stewardship (ES) Group Leader
- Responsible Office (RO): Environmental Protection and Compliance Division, Environmental Stewardship Group (EPC-ES)

### 2.2 Applicability

This document applies to LANL organizations and workers responsible for implementing and applying environmental regulations and contractual requirements to work activities. In accordance with [P101-12](#), *ES&H Requirements for Subcontractors*, Laboratory employees

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responsible for oversight of subcontractors must communicate environmental requirements to them. Subcontractors must ensure work is conducted in compliance with these requirements.

### 3.0 PROCEDURE DESCRIPTION

The Laboratory is contractually obligated to maintain an Environmental Management System (EMS) under the requirements of [DOE Order 436.1](#), *Departmental Sustainability*. The Laboratory uses the [International Standards Organization \(ISO\) 14001:2015](#), *Environmental Management Systems—Requirements with Guidance for Use* standard as the basis of its EMS. The [ISO 14001:2015](#) standard requires an organization to maintain a procedure by which environmental requirements are identified, communicated, and implemented.

#### 3.1 Procedure to Identify, Communicate, and Implement Environmental Requirements

Triad must comply with all environmental laws and regulations applicable to its operations. While the Prime Contract lists many environmental requirements in its Appendices, that list is not comprehensive. Rather, it emphasizes inclusion of all applicable requirements through the “all laws, regulations and DOE directives” clause (I-19). When necessary, specific requirements related to environmental performance may additionally be identified and accepted into the [Prime Contract](#) by the Prime Contract Management (PCM) Office using their system for managing contract change.

The Laboratory maintains an overarching structure for managing requirements, described in SD310 *Requirements Management System (RMS)*. ALDESHQSS is responsible for identification and fulfillment of existing and new environmental requirements. ALDESHQSS, Office of Counsel (GC), and PCM may individually or collectively receive, analyze, and document regulatory and contractual environmental requirements and, if applicable to LANL, determine whether compliance initiatives and strategies should be developed and implemented. Specific organizations may be included in these activities as requirements apply to them (e.g., Environmental Protection and Compliance Division, Waste Management Division, Utilities and Institutional Facilities Division, Institutional Quality and Performance Assurance [IQPA] and Acquisition Services Management [ASM] Divisions).

Programs responsible for oversight of institutional environmental requirements will periodically self-evaluate and document compliance with those requirements. Periodicity for these evaluations must be defined, but frequency may vary as appropriate for the individual requirement. Programs may develop their own procedures and tools to define the processes by which evaluations are performed. Any Laboratory organization may also be required to conduct internal assessments or participate in external audits to meet environmental requirements, and may report environmental compliance status on a monthly, quarterly, or annual basis to internal leadership and external agencies (e.g., Department of Energy, Environmental Protection Agency, et al.).

Environmental requirements are implemented by incorporation into existing Laboratory project and work management systems. As described in SD400 *Environmental Management System*, these include the [Integrated Review Tool](#) [IRT]), Engineering Standards, Integrated Work Documents (IWDs), subcontract Exhibit F requirements, and the Integrated Work Management (IWM) tools.



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## 4.0 RESPONSIBILITIES

### 4.1 Associate Laboratory Director for the Environment, Safety, Health, Quality, Safeguards and Security (ALDESHQSS)

- Assures management that environmental work assigned to ALDESHQSS and needed to meet environmental requirements is distributed to organizations within ALDESHQSS, including environmental protection and compliance, waste management, radiation protection, and deployed field and customer support services.
- Monitors performance and assures evaluation of environmental compliance, as well as the impact(s) of compliance on contract cost and funding, technical performance, and schedule. See PD 324 *Institutional Metrics Program*, PD328 LANL Assessment Program, P328-1 *Performance Assurance Planning Cycle and Integrated Assessment Schedule Maintenance*.
- Supports notification of responsible Subject Matter Experts (SMEs) and LANL management of new or modified applicable environmental requirements in a timely manner.

### 4.2 Environmental Protection and Compliance Division

- Assures oversight, expertise and strategic implementation assistance regarding compliance with applicable legal and other requirements for managing environmental risk in balance with the Laboratory mission.
- Assures oversight regarding waste management with applicable legal and other requirements for managing environmental risk in balance with the Laboratory mission.
- Supports DOE by serving as an interface with environmental regulatory organizations.
- Provides compliance support for organizations throughout the Laboratory (e.g., weapons, science, FODs, et.al.) with regard to environmental requirements and permitting.
- Assures identification of new or modified environmental requirements issued by Federal, State, or local governmental agencies including determination for applicability of requirements to LANL operations and facilities. May require additional reviews of applicability determination from others (e.g. PCM, GC or DOE) as appropriate. Assures analysis of environmental requirements applicable to LANL to determine and document whether compliance initiatives and strategies should be developed and implemented.
- Monitors and evaluates environmental compliance in alignment with ALDESHQSS and institutional practices for measurement and performance. See PD 324 *Institutional Metrics Program*, PD328 LANL Assessment Program, P328-1 *Performance Assurance Planning Cycle and Integrated Assessment Schedule Maintenance*, and P328-2 *Independent Assessment*, P328-3 *Management Assessment*, and P328-4 *Management Observation and Verification*.

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### 4.3 Waste Management Division

- Assures oversight, expertise and strategic implementation assistance regarding waste management with applicable legal and other requirements for managing environmental risk in balance with the Laboratory mission.
- Serves as an interface with environmental regulatory organizations.
- Provides waste management support for non-environmental organizations throughout the Laboratory (e.g. weapons, science, FODs, et.al.) with regard to environmental requirements and permitting.
- Assures identification of new or modified waste management requirements issued by Federal, State, or local governmental agencies including determination for applicability of requirements to LANL operations and facilities. May require additional reviews of applicability determination from others (e.g. PCM, GC or DOE) as appropriate. Assures analysis of environmental requirements applicable to LANL to determine and document whether compliance initiatives and strategies should be developed and implemented.
- Monitors and evaluates waste management in alignment with ALDESHQSS and institutional practices for measurement and performance. See PD 324 *Institutional Metrics Program*, PD328 *LANL Assessment Program*, P328-1 *Performance Assurance Planning Cycle and Integrated Assessment Schedule Maintenance*, and P328-2 *Independent Assessment*, P328-3 *Management Assessment*, and P328-4 *Management Observation and Verification*.

### 4.4 Deployed ESH Division

- Provides deployment of field expertise for implementing environmental requirements and processes through the FOD structure to local programs.
- Interfaces with environmental SMEs in core organizations to facilitate transfer of knowledge between core and deployed resources.
- Monitors and evaluates deployment activities in alignment with ALDESHQSS and institutional practices for measurement and performance. See PD 324 *Institutional Metrics Program*, PD328 *LANL Assessment Program*, P328-1 *Performance Assurance Planning Cycle and Integrated Assessment Schedule Maintenance*, and P328-2 *Independent Assessment*, P328-3 *Management Assessment*, and P328-4 *Management Observation and Verification*.

### 4.5 Environmental Protection and Compliance Division-Environmental Stewardship (EPC-ES)

- Ensures that this document is reviewed, remains current, and is revised to reflect changes every three years or more frequently if needed.
- Oversees LANL's ISO 14001 EMS certification and serves as a resource for implementation of this document.

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#### 4.6 Office of General Counsel (GC)

- Assists organizations with identifying environmental requirements and determining their applicability to LANL.
- Conducts a legal review and concurs with MOUs and Institutional Agreements in accordance with [P1016](#), *Memoranda of Understanding and Institutional Agreements*.
- Coordinates with legal counsel for DOE/NNSA, DOE-EM and regulatory authorities on environmental requirements, compliance and other matters.

#### 4.7 Prime Contract Management (PCM) Office

- Is responsible for oversight, change, and management of the [Prime Contract](#), which includes environmental requirements.
- Assists with determining the Laboratory's position regarding proposed and/or final Triad and NNSA directions.
- Serves as the exclusive formal channel for receipt, review, dissemination, and recording of Triad and NNSA direction, guidance, and interpretation regarding the [Prime Contract](#).
- Coordinates with the Los Alamos Field Office as appropriate.
- Notifies LANL personnel of new or modified environmental [Prime Contract](#) requirements in accordance with the [Prime Contract](#) Clauses.

#### 4.8 Associate Laboratory Directors (ALDs)

- Identify environmental risks associated with work in accordance with SD400 *Environmental Management System* and EPC-ES-FSD-002 *Environmental Risk Identification and Management*.
- Include controls associated with environmental requirements in work planning and budgeting.
- Integrate applicable controls for environmental requirements with work tools and processes.

#### 4.9 Workers

- Conduct all work, including subcontracted work, in compliance with Laboratory environmental requirements. Participate in pre-job briefs, review work implementation documents, and be aware of environmental conditions and controls associated with work activities.
- Maintain environmental training requirements, including *Environmental Awareness Training* (UTrain [Course #32461](#)) and work-specific environmental training as required.
- Follow the requirements of P 322-3 *Performance Improvement from Abnormal Events* and P 322-4 *Issues Management* and supporting systems for environmental events (spills, leaks, compliance violations, etc.).

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## 5.0 IMPLEMENTATION

The requirements in this document are effective on the issue date.

## 6.0 TRAINING

Laboratory workers must maintain current Course #32461, Environmental Awareness Training. Workers with tasks impacting environmental aspects and controls must be appropriately trained and qualified for performance of those activities as determined by line management. Examples include HAZWOPER training, certifications for environmental inspections, and awareness of permits and plans such as when a work site maintains a Storm Water Pollution Prevention Plan for working within the Multi-Sector General Permit (MSGP) and on a construction site that is under the Construction General Permit (CGP).

This document is available in UTrain as Course #39221 and may be assigned reading for individuals with implementation responsibilities.

## 7.0 EXCEPTION OR VARIANCE

To obtain an exception or variance to this document, see the following instructions:

- Managers may request an exception or variance from the IA through the RM
- At the IA's request, the RM will provide a recommendation or supporting information.
- The IA or designee will provide the requester with a written response and copy the RM.

The requesting organization must maintain the official copy of record of the approved correspondence granting the exception or variance.

## 8.0 DEFINITIONS AND ACRONYMS

### 8.1 Definitions

See LANL [Definition of Terms](#).

### 8.2 Acronyms

See LANL [Acronym Master List](#).

## 9.0 DOCUMENTS AND RECORDS

ALDESHQSS is the Laboratory's Office of Record for this document and maintains the administrative record. ALDESHQSS records are managed by the ALDESHQSS Document Control Team for document management in accordance with [P1020-1](#), *Laboratory Records Management* and [ADESH-AP-006](#), *Records Management Plan*.

## 10.0 REFERENCES

- [SD400](#) *Environmental Management System*
- [DOE Order 436.1](#), *Departmental Sustainability*

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- [LANL Governing Policies](#)
- [ISO 14001:2015](#), *International Standard for Environmental management systems – Requirements with guidance for use*
- [P101-12](#) *ES&H Requirements for Subcontractors*
- [Integrated Review Tool](#)
- *SD310 Requirements Management System*
- *P300, Integrated Work Management*
- *P300-1, Integrated Work Management for R&D*
- *P310-1, Exemptions to Appendix G Requirements*
- *PD311 Requirements System and Hierarchy*
- *P315, Conduct of Operations*
- *P316, Approval and Execution of Agreements with Third Parties*
- *SD320 Los Alamos National Laboratory Contactor Assurance System*
- *PD322-3 Performance Improvement from Abnormal Events*
- *PD322-4 Issues Management*
- *PD324 Institutional Metrics Program*
- [PD328](#), *LANL Assessment Program*
- *P328-1, Performance Assurance Planning Cycle and Integrated Assessment Schedule Maintenance*
- [P328-2](#), *Independent Assessment*
- *P328-3, Management Assessment*
- *P328-4, Management Observation and Verification*
- *P342, Engineering Standards*
- *P351, Integrated Review Tool (IRT) and Permits and Requirements Identification (PRID)*
- *P409, LANL Waste Management*
- [P1016](#), *Memoranda of Understanding and Institutional Agreements*

## 11.0 ATTACHMENTS

**Attachment 1:** *Identified Legal and Other Environmental Requirements Applicable to Los Alamos National Laboratory, Triad National Security, LLC*

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## ATTACHMENT 1 – IDENTIFIED LEGAL AND OTHER ENVIRONMENTAL REQUIREMENTS APPLICABLE TO LOS ALAMOS NATIONAL LABORATORY, TRIAD NATIONAL SECURITY, LLC

[Note: this list includes specific sources of environmental requirements *as well as* sources containing specifications for environmental implementation and performance of requirements]

**Table A. Air (items containing requirements)**

### Federal

Clean Air Act amended (CAA) (42 United States Code [USC] Chapter 85, *Air Pollution Prevention and Control*, Sections 7401 et seq.)

- 40 Code of Federal Regulations (CFR) Part 50, *National Primary and Secondary Ambient Air Quality Standards*
- 40 CFR 60, *Standards of Performance for New Stationary Sources*
- 40 CFR 60, Subpart A, *General Provisions*
- 40 CFR 60, Subpart Dc, *NSPS for Small Industrial-Commercial-Institutional Steam Generating Units*
- 40 CFR 60, Subpart I, *NSPS for Hot Mix Asphalt Facilities*
- 40 CFR 60, Subpart GG, *NSPS for Stationary Gas Turbines*
- 40 CFR 60, Subpart IIII, *NSPS for Stationary Compression Ignition Internal Combustion Engines*
- 40 CFR 61, Subpart C, *NESHAP for Beryllium*
- 40 CFR 61, Subpart H, *NESHAP for Radionuclides other than Radon from DOE Facilities*
- 40 CFR 61, Subpart M, *NESHAP for Asbestos*
- 40 CFR 61, Subpart Q, *NESHAP for Radon Emissions from DOE Facilities*
- 40 CFR 61, Appendix B to Part 61, Test Methods, Method 114 - *Test Methods for Measuring Radionuclide Emissions from Stationary Sources*
- 40 CFR 63, Subpart T, *NESHAP for Halogenated Solvent Cleaning*
- 40 CFR 63, Subpart ZZZZ, *NESHAP for Reciprocating Internal Combustion Engines*
- 40 CFR 68, *Accidental Release*
- 40 CFR 82, Subpart A, *Production and Consumption Controls*
- 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*
- 40 CFR 82, Subpart F, *Recycling and Emission Reduction*
- 40 CFR 82, Subpart G, *Significant New Alternatives Policy Program*
- 40 CFR 82, Subpart H, *Halon Emissions Reduction*
- 40 CFR 82, Subpart I, *Ban on Refrigeration and Air-Conditioning Appliances Containing HCFCs*
- 40 CFR 98, *Mandatory Greenhouse Gas Reporting*
- 40 CFR 372, *Toxic Chemical Release Reporting, Community Right-to-Know*
- 40 CFR 1068, *General Compliance Provisions for Highway, Stationary, and Nonroad Programs*
- Emergency Planning and Community Right-to-Know Act

### DOE

- DOE/EH-0173T, *Environmental Regulatory Guide for Radiological Effluent Monitoring and Environmental Surveillance [NRS1]*
- DOE-HDBK-1216-2015, *DOE Handbook Environmental Radiological Effluent Monitoring and Environmental Surveillance*
- DOE/EH-413-062/1195, *Regulatory Requirements Affecting Disposal of Asbestos-Containing Waste*

### State

- Air Quality Control Act, New Mexico Statutes Annotated NMSA 1978, Sections 72-2-1 et seq.
- New Mexico Administrative Code (NMAC), Title 20 Environmental Protection, Chapter 2 Air Quality (Statewide)
  - 20.2.1 NMAC, *General Provisions*
  - 20.2.2 NMAC, *Definitions*
  - 20.2.3 NMAC, *Ambient Air Quality Standards*
  - 20.2.7 NMAC, *Excess Emissions*
  - 20.2.11 NMAC, *Asphalt Process Equipment*
  - 20.2.33 NMAC, *Gas Burning Equipment – Nitrogen Dioxide*

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#### Table A. Air (items containing requirements)

- 20.2.34 NMAC, *Oil Burning Equipment – Nitrogen Dioxide*
- 20.2.60 NMAC, *Open Burning*
- 20.2.61 NMAC, *Smoke and Visible Emissions*
- 20.2.65 NMAC, *Smoke Management*
- 20.2.70 NMAC, *Operating Permits*
- 20.2.71 NMAC, *Operating Permit Emission Fees*
- 20.2.72 NMAC, *Construction Permits*
- 20.2.73 NMAC, *Notice of Intent and Emissions Inventory Requirements*
- 20.2.74 NMAC, *Permits–Prevention of Significant Deterioration(PSD)*
- 20.2.75 NMAC, *Construction Permit Fees*
- 20.2.77 NMAC, *New Source Performance Standards* (40 CFR 60, Subpart A)
- 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants* (40 CFR 61, Subparts A, C and M)
- 20.2.82 NMAC, *Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants* (40 CFR 63, Subpart A)
- New Mexico Night Sky Protection Act, 2006 New Mexico Statutes, Chapter 74, Article 12, 74-12-1 to 74-12-11

#### Permits & Interagency Agreements (LANL-wide, site-specific, other as may apply)

- Current Environmental Protection Agency pre-construction approvals for new buildings or upgrades that will generate radionuclides at LANL
- Current New Mexico Environment Department–approved air permits (e.g., CAA Title V Operating Permit, New Source Review Permits, General Construction Permits) for Los Alamos National Laboratory

#### Other Requirements

- ANSI N13.1-1999, American National Standards Institute Health Physics Society, *Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities*

#### Additional items called out specifically in the Prime Contract

- FAR 52.223-12, *Maintenance, Service, Repair or Disposal of Refrigeration Equipment and Air Conditioners* (Jun 2016)
- FAR 52.223-20, *Aerosols* (Jun 2016)
- FAR 52.223-21, *Foams* (Jun 2016)
- DEAR 952.204-75, *Public Affairs* (Dec 2000)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- DEAR 970.5211-1, *Work Authorization* (May 2007)
- I-7 FAR 52.223-7 *Notice of Radioactive Materials* (Jan 1997)
- I-9 FAR 52.223-11 *Ozone-Depleting Substances* (Jun 2016)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation)
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)

#### Table B. Biological Resources (items containing requirements)

##### Federal

- Endangered Species Act (16 United States Code [USC] 1531–1543), as amended
- Migratory Bird Treaty Act (16 USC 703-712)
- Bald and Golden Eagle Protection Act (16 USC 668-668c)
- 10 CFR 1022, *Floodplain/Wetland Environmental Review Requirements*
- 50 CFR 10, *General Provisions* (April 5, 1985)
- 50 CFR 17.11, *Endangered and Threatened Wildlife* (August 23, 1993)
- 50 CFR 17.12, *Endangered and Threatened Plants* (August 23, 1993)
- 50 CFR 402, *Interagency Cooperation—Endangered Species Act of 1973*, as amended



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#### Table B. Biological Resources (items containing requirements)

(Section 7, Consultation)

- *Memorandum of Understanding between the United States Department of Energy and The United States Fish and Wildlife Service Regarding Implementation of Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds"*, September 12, 2013
- United States Fish and Wildlife Service Survey Protocols and Other Guidelines [Species specific]
- Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*

#### State

- New Mexico Wildlife Conservation Act (NMSA 1978, Sections 17-2-37 through 17-2-46)
- New Mexico Endangered Plant Species Act (NMSA 1978, Section 75-6-1)

#### Permits & Interagency Agreements (LANL-wide, site-specific, other as may apply)

- *Threatened and Endangered Species Habitat Management Plan for Los Alamos National Laboratory*, October 2015 or most current version [the HMP received concurrence from the U.S. Fish and Wildlife Services, USFWS consultation numbers 2-22-98-I-336, 2-22-95-I-108. All subsequent changes go through the consultation process.]

#### Additional items called out specifically in the Prime Contract

- FAR 52.236-9, *Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements* (Apr 1984)
- FAR 52.237-2, *Protection of Government Buildings, Equipment, and Vegetation* (Apr 1984)
- DEAR 952.204-75, *Public Affairs* (Dec 2000)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- DEAR 970.5211-1, *Work Authorization* (May 2007)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation)
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)

#### Table C. Cultural Resources (items containing requirements)

#### Federal

- American Indian Religious Freedom Act of 1978 (42 USC 1996)
- Antiquities Act of 1906 (16 USC 470aa et seq.)
- Archaeological Resources Protection Act of 1979 (16 USC 4321-4347)
- Historic Sites Act of 1935 (16 USC 461)
- National Historic Preservation Act (54 United States Code 300101 et seq.; formerly 16 USC 470 et seq.)
- National Environmental Policy Act of 1969, as amended (42 USC 4321 et seq.)
- National Defense Authorization Act 2015, Section 3039 (Public Law 113-291 Section 3039, codified at 16 USC 410 uu)
- Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.)
- 36 CFR 60, *National Register of Historic Places*
- 36 CFR 63, *Determinations of Eligibility for Inclusion in the National Register*
- 36 CFR 65, *National Historic Landmarks Program*
- 36 CFR 67, *Historic Preservation Certifications Under the Internal Revenue Code*
- 36 CFR 68, *Secretary of the Interior's Standards for the Treatment of Historic Properties*
- 36 CFR 78, *Waiver of Federal Agency Responsibilities under Section 110 of NHPA*
- 36 CFR 79, *Curation of Federally Owned and Administered Archeological Collections*
- 36 CFR 800, *Protection of Historic Properties*
- 43 CFR 7, *Protection of Archeological Resources*
- 43 CFR 10, *Native American Graves Protection and Repatriation*
- Executive Order 13007, *Indian Sacred Sites*



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### Table C. Cultural Resources (items containing requirements)

- Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*
- Executive Order 13287, *Preserve America*
- Executive Memorandum for the Heads of Executive Departments and Agencies, *Government-to-Government Relationship with Tribal Governments*, September 23, 2004
- The Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716)

#### DOE

- DOE Order 141.1 "Department of Energy Management of Cultural Resources"
- DOE Order 144.1 Admin Chg 1, "Department of Energy American Indian Tribal Government Interactions and Policy"
- DOE's Environmental Guidelines for Development of Cultural Resources Management Plans - Update (*September 2004, DOE G 450.1-3*)
- LASO Management Procedure No. 0.5.09, Rev. 0, 2005.

#### State

- None.

#### Permits & Interagency Agreements (LANL-wide, site-specific, other as may apply)

- *A Plan for the Management of the Cultural Heritage at Los Alamos National Laboratory, New Mexico*, August 2017
- Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites [between DOD, DOI, USDA, DOE, ACHP]
- Pueblo de Cochiti and Reaffirmation and Amendment of the Los Alamos National Laboratory Cooperative Agreements of November 14, 1994
- Reaffirmation and Amendment of the Pueblo of Jemez and Los Alamos National Laboratory Cooperative Agreement of November 14, 1994
- Supplemental Agreement to the Cooperative Agreement between the Pueblo of San Ildefonso and the University of California Los Alamos National Laboratory of November 14, 1994
- Appendix A 2004 Plan for Environmental Sampling at San Ildefonso Pueblo and Los Alamos National Laboratory
- Memorandum of Understanding (MOU) between the Bureau of Indian Affairs of the United States Department of the Interior, the National Nuclear Security Administration of the United States Department of Energy, and the Pueblo of San Ildefonso Regarding Environmental Monitoring (MOU NO. DE-GM32-96AL76832. Replaced 1996 DE-GM32-96AL76832)
- Reaffirmation of the Pueblo of Santa Clara and Los Alamos National Laboratory Agreement of December 12, 1996
- An Emergency Communication Agreement between the Pueblo of Santa Clara and Los Alamos National Laboratory of December 14, 2000
- Los Alamos National Laboratory Framework Agreement: Realignment of Environmental Priorities, January 2012
- Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites [between DOD, DOI, USDA, DOE, ACHP]
- Monitoring for Radioactive and Chemical Contamination [between BIA, DOE, Pueblo de San Ildefonso]
- LANL Pueblo Co-operative Agreements 1994–1996
- Accord-DOE with the Pueblo of San Ildefonso
- Accord-DOE with the Pueblo of Jemez
- Accord-DOE with the Pueblo of Cochiti
- Accord-DOE with the pueblo of Santa Clara
- Agreement with the Buckman Direct Diversion Board for Water Quality Monitoring [between DOE and BDDDB]
- Agreement in Principle for Environmental Oversight and Monitoring [between DOE and NMED]
- \*Memorandum of Agreement-Natural Resource Trustee Council [between DOE, DOI, USDA, NMED, Pueblo de San Ildefonso]

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#### Table C. Cultural Resources (items containing requirements)

- Memorandum of Agreement Among the Department of Energy, National Nuclear Security Administration Los Alamos Site Office, the Incorporated County of Los Alamos, and the New Mexico State Historic Preservation Officer Regarding Management of the Rendija Canyon Traditional Cultural Properties District Listed in the New Mexico State Register of Cultural Properties
- Memorandum of Agreement between the U.S. Department of Energy and the Pueblo de San Ildefonso, June 2015
- Protocol for Inadvertent Discoveries of Native American Human Remains and Cultural Items, June 2015 (as part of *Memorandum of Agreement between the U.S. Department of Energy and the Pueblo de San Ildefonso*)
- Programmatic Agreement among the U.S. Department of Energy, National Nuclear Security Administration, Los Alamos Field Office, the New Mexico State Historic Preservation Office and the Advisory Council on Historic Preservation Concerning Management of the Historic Properties at Los Alamos National Laboratory, Los Alamos, New Mexico
- Memorandum of Agreement for funding to conduct regulatory activities at Los Alamos National Laboratory [between DOE and NMED]
- Supplemental Fee Agreement with NMED-HWB [between DOE and NMED]

#### Additional items called out specifically in the Prime Contract

- Part 1, Section H-38, *Manhattan Project National Historical Park*
- FAR 52.237-2, *Protection of Government Buildings, Equipment, and Vegetation* (Apr 1984)
- DEAR 952.204-75, *Public Affairs* (Dec 2000)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- DEAR 970.5211-1, *Work Authorization* (May 2007)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation)
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)

#### Table D. Water (items containing requirements)

##### Federal

- Executive Order 11988, *Floodplains Management*
- Executive Order 11990, *Protection of Wetlands*
- Comprehensive Environmental Response, Compensation, and Liability Act
- Emergency Planning and Community Right-to-Know Act
- Energy Independence and Security Act (EISA), Section 438 – Storm water runoff requirements for Federal development projects
- Federal Insecticide, Fungicide, Rodenticide Act (7 USC 136-136y)
- Federal Water Pollution Control Act (33 USCA 1251-1252, 1323)
- Clean Water Act, Amendments of 1992 (42 USCA 13101-2, 13107)
- Clean Water Act, Section 401–State Water Quality Certification
- Clean Water Act, Section 402–National Pollutant Discharge Elimination System
- Clean Water Act, Section 404–Discharge of Dredge and Fill Material
- 33 Code of Federal Regulation (CFR) 320, 321, 322, 323 and 330, Corps of Engineers Regulations for Protection of Water of the US and Nationwide Permit Program
- 40 CFR 104, *Public Hearings on Effluent Standards for Toxic Pollutants*
- 40 CFR 110, *Discharge of Oil*
- 40 CFR 112, *Oil Pollution Prevention*
- 40 CFR 121, *State Certification of Activities Requiring a Federal License or Permit*
- 40 CFR 122, *EPA Administered Permit Programs: NPDES*
- 40 CFR 124, *Procedures for Decision Making*
- 40 CFR 125, *Criteria and Standards for the NPDES*
- 40 CFR 129, *Toxic Pollutant Effluent Standards*

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#### Table D. Water (items containing requirements)

- 40 CFR 131, *Water Quality Standards*
- 40 CFR 135, *Prior Notice of Citizen Suits*
- 40 CFR 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants*
- 40 CFR 150-189, *Pesticide Regulations*
- 40 CFR 302, *Designation, Reportable Quantities and Notification*
- 40 CFR 355, *Emergency Planning and Notification*
- 40 CFR 401, *State and Tribe Certification*
- 40 CFR 404, *Dredge and Fill*

#### State

- New Mexico Environmental Improvement Act
- New Mexico Utility Operators Certification Act
- Water Quality Act (NMSA 178 Sec. 74-6-1-17)
- Ground Water Protection Act (NMSA 1978 Sec. 74-6B-1-14)
- New Mexico Pesticide Control Act (NMSA 1978 Sec. 76-4-1 – 76-4-23)
- 20.5 NMAC, *Petroleum Storage Tank Regulations*
- 20.6.1 NMAC, *Water Quality; General Provisions*
- 20.6.2 NMAC, *Ground and Surface Water Protection* (including the Energy, Minerals, and Natural Resource Department, Oil Conservation Department Delegated Rules)
- 20.6.4 NMAC, *Standards for Interstate and Intrastate Surface Waters*
- 20.7.3 NMAC, *Liquid Waste Disposal and Treatment*
- 20.7.4.1 NMAC, *Utility Operator Certification*
- 20.9.1 NMAC, *Solid Waste Management*
- 20.9.2 NMAC, *Solid Waste Management General Requirements*
- 20.9.8 NMAC, *Special Waste Requirements*
- 21.17.50 NMAC, *Pesticides*
- 21.17.51 NMAC, *Control of Wood Destroying Pests*
- 21.17.53 NMAC, *Continuing Education Units for Pesticide Applicators*
- 21.17.56 NMAC, *Restricted-Use Pesticides*
  - NMDA Rule 88-2, *Fees for Pesticide Registrations and Licenses*
  - NMDA Regulatory Order 4 Regulatory Orders of the Board of Regents of New Mexico State University
  - NMDA Regulatory Order 5 Definitions, Licensing, Equipment Inspections, Record
  - Keeping of Pesticides by Regulated Applicators NMDA Regulatory Order 7 Establishes Financial Responsibility for Commercial Applicators

#### Permits & Interagency Agreements (LANL-wide, site-specific, other as may apply)

- All United States Army Corp of Engineers, Environmental Protection Act and New Mexico Environment Department approved water permits for Los Alamos National Laboratory, including:
  - All current United States Army Corp of Engineers Nationwide Permits, such as Clean Water Act Section 401/404 Dredge and Fill activities
  - Current New Mexico Environment Department (NMED) Clean Water Action Section 401 Water Quality Certifications
  - Current NMED-issued Groundwater Discharge Permits, Temporary Permission to Discharge, and notice of Intent to Discharge, Septic and Holding Tank Permits
  - Current NMED-issued National Pollutant Discharge Elimination System (NPDES) surface water permits including Industrial and Sanitary Discharge Outfall Permits
  - Current Environmental Protection Agency issued NPDES storm water permits including the Nationwide Construction General Permit, Nationwide Multi-Sector General permit for industrial activities, Individual Permit for specific industrial sources, Municipal Separate Storm Sewer (MS4) for urbanized areas and Pesticide General permit
- Current NMED-issued permits for above ground tanks, petroleum storage tanks and underground storage tanks

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#### Table D. Water (items containing requirements)

- Agreement with the Buckman Direct Diversion Board for Water Quality Monitoring [between DOE and BDDDB]
- DEAR 952.204-75, *Public Affairs* (Dec 2000)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- DEAR 970.5211-1, *Work Authorization* (May 2007)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation)
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)

#### Table E. Waste (items containing requirements)

##### Federal

- Resource Conservation and Recovery Act, as amended, 42 USC 6901
- Toxic Substances Control Act, 15 USC 53
- 10 Code of Federal Regulation (CFR) 962, *By-Product Rule*
- 29 CFR 1910.1030, *Blood-Borne Pathogens*
- 29 CFR 1910.1001, *Asbestos Waste*
- 40 CFR 260–270, *Hazardous Waste Management System*
- 40 CFR 273, *Universal Waste Regulations*
- 40 CFR 279, *Standards for the Management of Used Oil*
- 40 CFR 761, *PCBs Only*
- 49 CFR 105-180, *Pipeline and Hazardous Materials Safety Administration, Department of Transportation*

##### State

- New Mexico Hazardous Waste Act NMSA 1978, 74-4-1 – 74-4-14
- 20.4.1-1107 NMAC, *New Mexico Hazardous Waste Act Implementing Regulations*
- 20.5.1 NMAC, *Underground Storage Tank Regulations*
- 20.9.1-25 NMAC, *Title 20 – Environmental Protection, Chapter 9 Solid Waste*

##### Permits & Interagency Agreements (LANL-wide, site-specific, other as may apply)

- Current Los Alamos National Laboratory Hazardous Waste Facility Permit (December 2010 permit #NM0890010515 or most recent version) (Proceeding under the New Mexico Hazardous Waste Act 74-4-10 and the New Mexico Solid Waste Act 74-9-36)
- State of new Mexico Environment Department Compliance Order on Consent U.S. Department of Energy Los Alamos National Laboratory (2016 or most recent version) (Issued pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 74-4-10 between the NMED, DOE and UC)
- New Mexico Environment Department Administrative Order, May 19, 2014 (Issued pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 74-4-13)
- New Mexico Environment Department Administrative Compliance Order HWB-14-20, December 6, 2014 (Issued pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 74-4-13)

##### Additional items called out specifically in the Prime Contract

- FAR 52.223-10, *Waste Reduction Program* (May 2011)
- FAR 52.236-12, *Cleaning Up* (Apr 1984)
- DEAR 952.204-75, *Public Affairs* (Dec 2000)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- I-6 FAR 52.223-3 *Hazardous Material Identification and Material Safety Data* (Jan 1997), Alternate I (July 1995)
- I-11 FAR 52.245 *Government Property* (Jan 2017) (as modified by DEAR 952.245-1)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation)
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)

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#### Table E. Waste (items containing requirements)

#### Table F. Pollution Prevention & Resource Reduction (items containing requirements)

##### Federal

- Pollution Prevention Act of 1990 (42 USCA 13101-2, 13107)
- Energy Policy Act of 1992 (Subtitle F – Federal Agency Energy Management) (summary)
- Energy Independence and Security Act of 2007
- Federal Facility Compliance Act (42 USC 6903, 6924, 6927, 6939c, 6961, and 6965)
- Executive Order 13221: *Energy Efficiency Standby Power Devices*
- Executive Order 13693: *Planning for Federal Sustainability in the Next Decade*

##### DOE

- DOE O 436.1 Departmental Sustainability

##### State

- New Mexico Night Sky Protection Act, 2006 New Mexico Statutes, Chapter 74, Article 12, 74-12-1 to 74-12-11
- Environmental Improvement Act, (NMSA 1978 Section 74-1-1 et.seq.)

##### Additional items called out specifically in the Prime Contract

- FAR 52.204-4, *Printed or Copied Double-Sided on Postconsumer Fiber Content Paper* (May 2011)
- FAR 52.211-5, *Material Requirements* (Aug 2000)
- FAR 52.223-2, *Affirmative Procurement of Biobased Products Under Service and Construction FAR Contracts* (Sep 2013)
- FAR 52.223-5, *Pollution Prevention and Right-to-Know Information, Alternate I* (May 2011) (May 2011)
- FAR 52.223-10, *Waste Reduction Program* (May 2011)
- FAR 52.223-13, *Acquisition of EPEAT-Registered Imaging Equipment* (Jun 2014) *Alt I* (Oct 2015) (Oct 2015)
- FAR 52.223-14, *Acquisition of EPEAT-Registered Televisions Alt I* June 2014 (Jun 2014)
- FAR 52.223-15, *Energy Efficiency in Energy-Consuming Products* (Dec 2007)
- FAR 52.223-16, *Acquisition of EPEAT-Registered Personal Computer Products* (Oct 2015) *Alt 1* (Jun 2014) (Oct 2015)
- FAR 52.233-17, *Affirmative Procurement of EPA-Designated Items in Service and Construction Contracts* (Aug 2018)
- FAR 52.236-12, *Cleaning Up* (Apr 1984)
- FAR 52.251-2, *Interagency Fleet Management System Vehicles and Related Services* (Jan 1991)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- DEAR 970.5211-1, *Work Authorization* (May 2007)
- I-6 FAR 52.223-3 *Hazardous Material Identification and Material Safety Data* (Jan 1997), *Alternate I* (July 1995)
- I-8 FAR 52.223-9 *Estimate of Percentage of Recovered Material Content for EPA Designated Items* (May 2008)
- I-9 FAR 52.223-11 *Ozone-Depleting Substances* (Jun 2016)
- I-14 FAR 52.252-2 *Clauses Incorporated by Reference* (Feb 1998)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation) I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)

#### Table F. Multiple Environmental Media (items containing requirements)

##### Federal

- National Environmental Policy Act of 1969 (PL 91–190, 42 USC 4321–4347, as amended)
- 10 CFR 1021, *National Environmental Policy Act Implementing Regulations*

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- 15 CFR IX E, *Oil Pollution Act Regulations*, Part 990, *Natural Resource Damage Assessments*
- 40 CFR 1500–1508, *Council on Environmental Quality*
- 43 CFR 11, *Natural Resource Damage Assessments*
- Resource Conservation and Recovery Act (42 USCA, 6901, 6924, and 6961–2 et seq.)  
15 CFR IX E, *Oil Pollution Act Regulations*, Part 990, *Natural Resource Damage Assessments*
- Federal Facility Compliance Act (42 USC 6903, 6924, 6927, 6939c, 6961, and 6965)
- Executive Order 12898, *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*
- Executive Order 13693: *Planning for Federal Sustainability in the Next Decade*

#### DOE

- DOE O 436.1, *Departmental Sustainability*
- DOE O 458.1, *Radiation Protection of the Public and the Environment*

#### State

- Environmental Improvement Act, (NMSA 1978 Section 74-1-1 et seq.)
- NMED Risk Assessment Guidance for Site Investigations and Remediation (December 2014)

#### Permits & Interagency Agreements (LANL-wide, site-specific, other as may apply)

- Current NEPA documents including final environmental impact statements and associated mitigation action plans
- Pueblo de Cochiti and Reaffirmation and Amendment of the Los Alamos National Laboratory Cooperative Agreements of November 14, 1994
- Reaffirmation and Amendment of the Pueblo of Jemez and Los Alamos National Laboratory Cooperative Agreement of November 14, 1994
- Supplemental Agreement to the Cooperative Agreement between the Pueblo of San Ildefonso and the University of California Los Alamos National Laboratory of November 14, 1994
- Memorandum of Understanding (MOU) between the Bureau of Indian Affairs of the United States Department of the Interior, the National Nuclear Security Administration of the United States Department of Energy, and the Pueblo of San Ildefonso Regarding Environmental Monitoring (MOU NO. DE-GM32-96AL76832. Replaced 1996 DE-GM32-96AL76832)
- Memorandum of Agreement between the U.S. Department of Energy and Pueblo de San Ildefonso, June 18, 2015
- MOU Appendix A Plan for Environmental Sampling at the Pueblo of San Ildefonso (most recent version, published annually)
- Reaffirmation of the Pueblo of Santa Clara and Los Alamos National Laboratory Agreement of December 12, 1996
- An Emergency Communication Agreement between the Pueblo of Santa Clara and Los Alamos National Laboratory of December 14, 2000
- Los Alamos National Laboratory Framework Agreement: Realignment of Environmental Priorities, January 2012
- Monitoring for Radioactive and Chemical Contamination [between BIA, DOE, Pueblo de San Ildefonso]
- Accord-DOE with the Pueblo of San Ildefonso
- Accord-DOE with the Pueblo of Jemez
- Accord-DOE with the Pueblo of Cochiti
- Accord-DOE with the Pueblo of Santa Clara
- Agreement in Principle for Environmental Oversight and Monitoring [between DOE and NMED]
- \*Memorandum of Agreement-Natural Resource Trustee Council [between DOE, DOI, USDA, NMED, Pueblo de San Ildefonso]
- Memorandum of Agreement between the U.S. Department of Energy and the Pueblo de San Ildefonso, June 2015
- Memorandum of Agreement for funding to conduct regulatory activities at Los Alamos National Laboratory [between DOE and NMED]
- Supplemental Fee Agreement with NMED-HWB [between DOE and NMED]



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- FAR 52.233-19, *Compliance with Environmental Management Systems* (May 2011)
- FAR 52.236-10, *Operations and Storage Areas* (Apr 1984)
- DEAR 952.204-75, *Public Affairs* (Dec 2000)
- DEAR 970.5203-1, *Management Controls* (Jun 2007)
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006)
- DEAR 970.5211-1, *Work Authorization* (May 2007)
- I-7 FAR 52.223-7 *Notice of Radioactive Materials* (Jan 1997)
- I-14 FAR 52.252-2 *Clauses Incorporated by Reference* (Feb 1998)
- I-17 DEAR 952.250-70 *Nuclear Hazards Indemnity Agreement* (Aug 2016)
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation)
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation)
- I-21 DEAR 970.5215-3 *Conditional Payment of Fee, Profit, and Other Incentives – Facility Management Contracts* (Aug 2009) Alternative II (Aug 2009 (NNSA Class Deviation May 2016)
- I-28 DEAR 970.5245-1 *Property* (Aug 2016)
- I-29 FAR 52.250-1 *Indemnification Under Public Law 85-804* (Apr 1984) Alternate I (Apr 1984) [Modified by Modification P0008]
- Part 1, The Schedule, Sections B through H, items from Sections C, F, G and H, see list in Table G
- Part 2, Section I A – C selected items, see list in Table G
- Part 3, List of Documents, Exhibits, and Other Attachments, Section J, List of Attachments, Appendices A, B, I, L, M and O selected items – see list in Table G

**Table G. Dedicated to Prime Contract sections that inform or contain environmental requirements – note that items with an asterisk (\*) are also referenced in the above subject-focused tables.**

Part 1, The Schedule, Sections B through H

Section C: Description/Specifications/Statement of Work

- C-1, *Statement of Work* [note: see Section J, Appendix A, *Statement of Work*]

Section F: Deliveries or Performance

- F-2, *Stop Work in Event of Imminent Danger*

Section G: Contract Administration Data

- G-2, *Modification Authority*

Section H: Special Contract Requirements

- H-1, *Continuation of Predecessor Contractor's Obligations to Successor Contractor*
- H-12, *NNSA Oversight*
- H-13, *Clause Updates and Implementation Section to FAR Clauses*
- H-14, *Confidentiality of Information*
- H-15, *NNSA Prime Contracts*
- H-17, *Contractor Employees*
- H-18, *Construction Projects*
- H-22, *Third Parties*
- H-23, *Contractor Community Commitments*
- H-24, *Regional Educational Outreach Program*
- H-25, *Community Technical Assistance*
- H-26, *Asset Management Requirements*
- H-27, *Standards Management*
- H- 28, *Strategic Purchasing*

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**Table G. Dedicated to Prime Contract sections that inform or contain environmental requirements – note that items with an asterisk (\*) are also referenced in the above subject-focused tables.**

- H-30, *Performance Based Management System*
- H-33, *Performance of Work at Facilities and Sites Other Than Los Alamos National Laboratory*
- H-34, *Advance Understanding Regarding Additional Items of Allowable and Unallowable Costs and Other Matters*
- H-35, *Intellectual and Scientific Freedom*
- H-37, *Alternative Dispute Resolution (Oct 2014)*
- H-38, *Manhattan Project National Historical Park \**
- H-39, *Definition of Unusually Hazardous or Nuclear Risk and Other Terms for Purposes of FAR clause 52.250-1, Indemnification Under Public Law 85-804 (Apr 1984) Alt I (APR 1894)*
- H-42, *NNSA and DOE/EM Management Steering Committee (MSC)*
- H-43 *Performance Direction*

Part 2, Section I – A. FAR Clauses Incorporated by Reference from 48 CFR Chapter 1

- FAR 52.204-4, *Printed or Copied Double-Sided on Postconsumer Fiber Content Paper (May 2011) \**
- FAR 52.211-5, *Material Requirements (Aug 2000) \**
- FAR 52.223-2, *Affirmative Procurement of Biobased Products Under Service and Construction FAR Contracts (Sep 2013) \**
- FAR 52.223-5, *Pollution Prevention and Right-to-Know Information, Alternate I (May 2011) (May 2011) \**
- FAR 52.223-10, *Waste Reduction Program (May 2011) \**
- FAR 52.223-12, *Maintenance, Service, Repair or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) \**
- FAR 52.223-13, *Acquisition of EPEAT-Registered Imaging Equipment (Jun) 2014) Alt I (Oct 2015) (Oct 2015) \**
- FAR 52.223-14, *Acquisition of EPEAT-Registered Televisions Alt I June 2014 (Jun 2014) \**
- FAR 52.223-15, *Energy Efficiency in Energy-Consuming Products (Dec 2007) \**
- FAR 52.223-16, *Acquisition of EPEAT-Registered Personal Computer Products (Oct 2015) Alt 1 (Jun 2014) (Oct 2015) \**
- FAR 52.233-17, *Affirmative Procurement of EPA-Designated Items in Service and Construction Contracts (Aug 2018) \**
- FAR 52.233-19, *Compliance with Environmental Management Systems (May 2011) \**
- FAR 52.223-20, *Aerosols (Jun 2016) \**
- FAR 52.223-21, *Foams (Jun 2016) \**
- FAR 52.236-7, *Permits and Responsibilities (Nov 1991)*
- FAR 52.236-8, *Other Contracts (Apr 1984)*
- FAR 52.236-9, *Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements (Apr 1984) \**
- FAR 52.236-10, *Operations and Storage Areas (Apr 1984)*
- FAR 52.236-11, *Use and Possession Prior to Completion (Apr 1984) \**
- FAR 52.236-12, *Cleaning Up (Apr 1984) \**
- FAR 52.237-2, *Protection of Government Buildings, Equipment, and Vegetation (Apr 1984) \**
- FAR 52.251-1, *Government Supply Sources (Apr 2012)*
- FAR 52.251-2, *Interagency Fleet Management System Vehicles and Related Services (Jan 1991) \**
- FAR 52.253-1, *Computer Generated Forms (Jan. 1991)*



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Part 2, Section I – B. DEAR Clauses Incorporated by Reference

- DEAR 952.204-75, *Public Affairs* (Dec 2000) \*
- DEAR 952.208-70, *Printing* (Apr 1984)
- DEAR 970.5203-1, *Management Controls* (Jun 2007) \*
- DEAR 970.5203-2, *Performance Improvement and Collaboration* (May 2006) \*
- DEAR 970.5208-1, *Printing* (Dec 2000)
- DEAR 970.5211-1, *Work Authorization* (May 2007) \*

Part 2, Section I – C. FAR and DEAR Clauses Incorporated in Full Text

- I-6 FAR 52.223-3 *Hazardous Material Identification and Material Safety Data* (Jan 1997), Alternate I (July 1995) \*
- I-7 FAR 52.223-7 *Notice of Radioactive Materials* (Jan 1997) \*
- I-8 FAR 52.223-9 *Estimate of Percentage of Recovered Material Content for EPA Designated Items* (May 2008) \*
- I-9 FAR 52.223-11 *Ozone-Depleting Substances* (Jun 2016) \*
- I-11 FAR 52.245-1 *Government Property* (Jan 2017) (as modified by DEAR 952.245-1) \*
- I-14 FAR 52.252-2 *Clauses Incorporated by Reference* (Feb 1998) :: note that this includes Part 923 – Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace, Subpart 923.9 – 923.903, Contract clause, *Contractor Compliance with Environmental Management Systems* [75 FR 57693, Sept. 22, 2010] \*
- I-17 DEAR 952.250-70 *Nuclear Hazards Indemnity Agreement* (Aug 2016) \*
- I-19 DEAR 970.5204-2 *Laws, Regulations, and DOE Directives* (Dec 2000) (Class Deviation) \*
- I-20 DEAR 970.5204-3 *Access and Ownership of Records* (Class Deviation) \*
- I-21 DEAR 970.5215-3 *Conditional Payment of Fee, Profit, and Other Incentives – Facility Management Contracts* (Aug 2009) Alternative II (Aug 2009 (NNSA Class Deviation May 2016) \*
- I-25 DEAR 970.5231-4 *Preexisting Conditions* (Dec 200) Alternate II (Dec 2000)
- I-27 DEAR 970.5244-1 *Contractor Purchasing System* (Jan 2013) (NNSA Class Deviation May 2016)
- I-28 DEAR 970.5245-1 *Property* (Aug 2016) \*
- I-29 FAR 52.250-1 *Indemnification Under Public Law 85-804* (Apr 1984) Alternate I (Apr 1984) \*

Part 3, List of Documents, Exhibits, and Other Attachments, Section J, List of Attachments

Appendix A, Statement of Work (work scope to which Environmental Requirements apply) \*

- Chapter 1
- Section 1.0, *The National Nuclear Security Administration (NNSA) Mission*
- Section 2.0, *Management & Operations*
- Section 3.0, *Requirements*
- Section 4.0, *Location of Performance*
- Chapter 2
- Section 1.1.7, *Nuclear Materials Management*
- Section 1.3.2, *Biological and Environmental Research*
- Section 1.4.3, *Energy Supply*
- Section 1.4.4, *Transportation and Infrastructure*
- Section 1.4.5, *Transportation and Packaging*

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- Section 1.5, *Environmental Technologies*
- Section 2.2, *Environment, Safety and Health*
- Section 2.3, *Environmental Management*
- Section 2.9, *Contractor Assurance System (CAS)*
- Section 2.10, *Integrated Safety Management, Integrated Safeguards and Security Management, Environmental Management System, and Quality Assurance Systems*
- Section 2.11, *Environmental Permits and Applications*
- Section 2.12, *Environmental Restoration and Waste Management*
- Section 2.13, *Facility Operation and Infrastructure*
- Section 2.15, *Training*
- Section 2.18, *Emergency Management*
- Section 2.19, *Other Administrative Services*
- Section 2.21, *Operating and Managing Nuclear Facilities*
- Section 2.22, *Contractor Services Provided to DOE Environmental Management Contractor and Contractor Acquisition of Services from EM Contractor*
- Section 3.6, *Communications and Public Affairs*
- Section 3.7, *Self-Assessment Program*
- Section 3.8, *Audits and Assessments*
- Section 3.9, *Community Support*
- Section 3.11, *National Environmental Policy Act (NEPA)*
- Section 3.12, *Legal Affairs*
- Section 3.13, *Other Government Agencies Support*
- Section 3.14, *Other Administrative Services*
- Section 3.15, *Reports and Other Deliverables*

Appendix B, List of Applicable Directives \*

- DOE O 144.1 Chg 1, Attachment 1 CRD (11/06/09), *Department of Energy American Indian Tribal Government Interactions and Policy*
- DOE O 150.1A, Attachment 1 CRD (3/31/2014), *Continuity Programs*
- DOE O 151.1D, Attachment 1 CRD (08/11/16), *Comprehensive Emergency Management System (NOTE: Implementation as cited by PCM-17-062 dated 5/19/17, PCM-17-111 dated 9/14/17, and as cited by NA-LA direction OPS:4EW-763996 dated 1/02/18)*
- DOE G 151.1-5 (7/11/2007) *Biosafety Facilities*
- DOE O 153.1, Attachment 2 CRD (6/27/2007), *Departmental Radiological Emergency Response Assets*
- DOE O 200.1AA, Attachment 1 CRD (12/23/2018), *Information Technology Management*
- DOE O 221.1B, Attachment 1 CRD (9/27/2016), *Reporting Fraud, Waste, and Abuse to the Office of Inspector General*
- DOE O 224.2A (11/9/2007), *Auditing of Programs and Operations*
- DOE O 225.1B, Attachment 1 CRD (3/04/2011), *Accident Investigations*
- DOE O 226.1B, Attachment 1 CRD (4/25/2011), *Implementation of Department of Energy Oversight Policy*
- DOE P 226.2 (8/9/2016), *Policy for Oversight and Contractor Assurance Systems*
- DOE O 231.1B Chg 1, Attachment 1 CRD (11/28/2012), *Environment, Safety, and Health Reporting*
- DOE O 232.2A, Attachment 1 CRD (1/17/2017), *Occurrence Reporting and Processing of*

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*Operations Information*

- DOE O 243.1B, Attachment 1 CRD (7/8/2013), *Records Management Program*
- DOE O 410.2, Admin. Chg 1, Attachment 1 CRD (4/10/2014), *Management of Nuclear Materials*
- DOE O 411.2, Attachment 1 CRD (1/4/2017) *Scientific Integrity*
- DOE O 412.1A (5/21/2014), *Work Authorization System*
- DOE O 413.3B, Chg 5, Attachment 1 CRD (4/12/2018), *Program and Project Management for the Acquisition of Capital Assets*
- DOE O 414.1D, Admin Chg 1, Attachment 1 CRD (5/8/2013), *Quality Assurance*
- DOE O 420.1C, Chg 1, Attachment 1 CRD (2/27/2015), *Facility Safety*
- DOE O 420.2C, Attachment 1 CRD (7/21/2011), *Safety of Accelerator Facilities*
- DOE O 422.1, Admin Chg 2, Attachment 1 CRD (12/3/2014), *Conduct of Operations*
- DOE O 425.1D, Admin Chg 1, Attachment 1 CRD (4/2/2013), *Verification of Readiness to Start Up or Restart Nuclear Facilities*
- DOE O 426.2, Admin Chg 1, Attachment 1 CRD (7/29/2013), *Personnel Selection, Training, Qualification, and Certification Requirements for DOE Nuclear Facilities*
- DOE Order 430.1C, Attachment 2 CRD (8/19/2016), *Real Property Asset Management*
- DOE O 433.1B, Admin Chg 1, Attachment 1 CRD (3/12/2013), *Maintenance Management Program for DOE Nuclear Facilities*
- DOE O 435.1, Chg. 1, Attachment 1 CRD (8/28/2001), *Radioactive Waste Management*
- DOE M 435.1-1, Chg. 2, (6/8/2011), *Radioactive Waste Management Manual*
- DOE N 435.1 (8/9/2011), *Contact Handled remote handled Transuranic Waste Package*
- DOE O 436.1, Attachment 1 CRD (5/2/2011), *Departmental Sustainability*
- DOE M 441.1-1, Admin Chg 1, Attachment 1 CRD (2/24/2016), *Nuclear Material Packaging Manual*
- DOE O 442.2, Chg 1, Attachment 1 CRD (10/4/2016), *Differing Professional Opinions for Technical Issues Involving Environment, Safety, and Health*
- DOE O 443.1B, Chg1, Attachment 1 CRD (4/21/2016), *Protection of Human Research Subjects*
- DOE O 452.1E, Attachment 1 CRD (1/26/2015), *Nuclear Explosive and Weapon Surety Program*
- DOE O 452.2E, Attachment 1 CRD (1/26/2015), *Nuclear Explosive Safety*
- DOE O 452.3, Attachment 2 CRD (6/8/2005), *Management of the Department of Energy Nuclear Weapons Complex*
- DOE O 456.1, Attachment 1 CRD (7/15/2016) *Safe Handling of Unbound Engineered Nanoparticles*
- DOE O 458.1, Chg. 3, Attachment 1 CRD (1/15/2013), *Radiation Protection of the Public and the Environment*
- DOE O 460.1D, Attachment 1 CRD (12/20/2016), *Hazardous Materials Packaging and Transportation Safety*
- DOE O 460.2A, Attachment 2 CRD (12/22/2004), *Departmental Materials Transportation and Packaging Management*
- DOE M 460.2-1A, Attachment 1 CRD (6/4/2008), *Radioactive Material Transportation Practices Manual For Use With DOE O 460.2A*
- DOE O 461.1C, Attachment 1 CRD (7/20/2016), *Packaging and Transportation for Offsite Shipment of Materials of National Security Interest*
- DOE O 461.2, Attachment 1 CRD (11/1/2010), *Onsite Packaging and Transfer of Materials of*

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*National Security Interest*

- DOE O 462.1, Admin Chg 1 (7/10/2013), *Import and Export of Category 1 and 2 Radioactive Sources and Aggregated Quantities*
- DOE O 5480.30, Chg 1 (3/14/2001), *Nuclear Reactor Safety Design Criteria*
- DOE-STD-3013-2012 (3/1/2012), *Stabilization, Packaging, and Storage of Plutonium-Bearing Materials* NAP 23, Admin Chg 1 (2/9/2015), *Atomic Energy Act Control of Import and Export Activities*
- NAP 25, Admin Chg 1 (10/10/2013), *Management and Operating Contractor Business Meals and Light Refreshment*

Appendix I, *Performance Guarantee Agreement(s)*

Appendix L, *Contractor Community Commitment Plan*

Appendix M, *Regional Purchasing Program*

Appendix O, *Performance Evaluation and Measurement Plan (PEMP)*