

# Los Alamos

Los Alamos National Laboratory  
Los Alamos, New Mexico 87545

Laboratory Counsel/General Law

*Stelkaid S.  
-> file*

DATE: January 19, 1994  
IN REPLY REFER TO: GL:10275-9301  
MAIL STOP: A187  
TELEPHONE: (505) 667-3766

JAN 24 1994

Benito Garcia, Bureau Chief  
NMED Hazardous & Radioactive Materials Bureau  
c/o Susan McMichael, Esq.  
1190 St. Francis Drive  
Santa Fe, New Mexico 87502

**REFERENCE: CONSENT AGREEMENT: REQUEST FOR EXTENSION OF TIME FOR  
RESPONSE TO NOD**

Dear Mr Garcia:

On behalf of the Department of Energy (DOE) and the University of California (University), we are requesting an extension of time within which to respond to the NMED's Notice of Deficiency (NOD) addressed to Jerry Bellows, DOE Area Manager, dated December 17, 1993 and received in telefaxed form by the DOE and the University on December 20, 1993. We are requesting an extension from the January 24 deadline to January 28, 1994, so as to allow the DOE and the University additional time to more fully and completely develop a response to the NOD. It is our understanding that the technical people from NMED have met with their counterparts from the DOE and the University and have agreed to the extension. If NMED grants the extension, all of the parties to the Consent Agreement would recognize that all other upcoming deadlines provided for in the Compliance Schedule would thereby be extended seven (7) days.

The Consent Agreement, executed by NMED, the DOE, and the University and approved by the Secretary of NMED by way of Order dated December 10, 1993, provides in Attachment "C", the Compliance Schedule, that NMED is to conclude an initial Technical Completeness Review of the required permit application and issue a Notice of Deficiency, if necessary, by December 17, 1993. The University is required to submit a complete response to this NOD by January 21, 1994. Since NMED telefaxed the NOD on December 20, 1993, this response date has been extended to January 24, 1994, pursuant to Section XV.C., which automatically extends due dates in an amount of time equal to the delay caused by NMED.

Pursuant to Section XV.A. (Extensions for Good Cause) of the Consent Agreement, we are requesting that the January 24, 1994 deadline be extended until January 28, 1994. Good Cause exists for granting this extension, because the technical people from all of the parties were only able to meet to clarify what would constitute an acceptable response to the NOD on January 13, 1994. The additional time will enable the DOE and the University to more fully and completely respond to the results of the discussion that occurred at that meeting.

*[Handwritten signature]*



In light of the fact that good cause exists for granting the extension and that the technical people of NMED do not object to this request for an extension, nor do NMED's attorneys, we respectfully request an extension from January 24, 1994 to January 28, 1994 within which to respond to NMED's NOD.

In the interests of expediting the processing of this request and in recognition of the fact that requests for extensions require approval by the Secretary, we have provided below an approval space for the Secretary's signature, should the Secretary grant the request and wish to use this letter as the vehicle for expressing her approval.

Thank you for your courtesies with regard to this matter.

Very truly yours, on  
behalf of myself and  
Joyce Laeser, Esq. of  
the DOE,



Joseph B. Rochelle

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

Cys: J. Laeser, Esq., LAAO, MS M316  
R. Harword, Esq., NMED  
CRM-4, MS A150  
Records Room  
File, (2)

