



**Department of Energy**  
Albuquerque Operations  
Los Alamos Area Office  
Los Alamos, New Mexico 87544

**SEP 14 1994**

Susan McMichael, Esq.  
Assistant General Counsel  
Office of the General Counsel  
New Mexico Environment Department  
P.O. Box 26110  
Santa Fe, NM 87502

Re: Compliance Order 94-09

Dear Ms. McMichael:

As you are aware, the Hazardous and Radioactive Materials Bureau of the New Mexico Environment Department (NMED) has issued Compliance Order NMHWA 94-09 dated September 2, 1994, to the Department of Energy (DOE) and the University of California (the University). Pursuant to a telephone conversation with you, it is our understanding that the appropriate manner to request an extension of time for a requirement of the Compliance Order is through a letter request to you.

Accordingly, DOE and the University request an extension of time in which to comply with Orders 9, 24, and 28 of the Compliance Order. The extension of time is requested because Respondents intend to request a hearing on the above-referenced requirements, as well as other requirements in the Compliance Order. With regard to Order 9, which requires Respondents to include the TA 21-427 less-than-ninety-day accumulation area in the facility contingency plan, Respondents do not believe that there is a requirement to include such accumulation areas in the facility contingency plan itself, but rather the requirement is that a copy of the contingency plan be kept at a less-than-ninety-day accumulation area. As a result, Respondents would like to meet with Complainant to discuss the issue. If as a result of the meeting, it is determined that Respondents must include the accumulation area in the contingency plan, Respondents would be able to take such action within ten working days after the meeting.

With regard to Order 24, which requires Respondents to submit to Complainant, within ten working days of the receipt of the Order, a waste analysis plan for treatment of restricted hazardous waste in containers at the lead decontamination trailer at TA 50, Respondents request an extension of time until October 13, 1994. This amount of time is required for preparation of the plan and for review and approval by appropriate University and DOE entities before submission to Complainant.



Susan McMichael, Esq.

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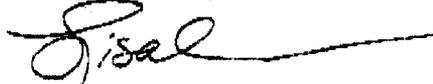
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With regard to Order 28, which requires Respondents to update, within five working days of receipt of the Order, the waste analysis plan in Attachment A of the facility permit to specify procedures used to sample and analyze wastes per the Toxicity Characteristic Leachate Procedure, Respondents request an extension of time until September 28, 1994. This amount of time is required for preparation of the plan and for review and approval by appropriate University and DOE entities before submission to Complainant.

By this request for extension, Respondents do not concede that Complainant has prevailed in its assertion of authority to require the actions specified in the above-referenced Orders. However, Respondents recognize the importance of compliance with all environmental laws and regulations and desire to work with Complainant to reach a mutually satisfactory resolution.

Respondents request Complainant to respond to this request for extension as quickly as possible, in order that Respondents may meet all their obligations in a timely manner.

Sincerely,



Lisa Cummings  
Counsel for Respondent  
Department of Energy



Joseph B. Rocheille, Esq.  
Counsel for Respondent  
University of California