

Killing



SEP 23 2002

Department of Energy
National Nuclear Security Administration
Albuquerque Operations Office
Office of Kirtland Site Operations
P.O. Box 5400
Albuquerque, New Mexico 87185-5400

BY FACSIMILE

Mr. John D'Antonio, Jr., Cabinet Secretary
New Mexico Environment Department
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Mr. D'Antonio,

On behalf of the United States Department of Energy (DOE) and Sandia Corporation, we are requesting an extension of time for submittal of written comments on the draft "Order in the Matter of The United States Department of Energy and Sandia Corporation, Sandia National Laboratories, Bernalillo County, New Mexico, Proceeding Under the New Mexico Hazardous Waste Act sections 74-4-10.1 and 74-4-13." Because this draft order encompasses all significant environmental cleanup issues at Sandia National Laboratories, New Mexico, including remediation of landfills, ground water and other contaminated sites, we request this extension in order to have adequate time to review the entire Administrative Record and to prepare a complete and meaningful response. In addition, the extension will allow us time to coordinate and consolidate the comments from DOE and Sandia, in order not to inundate your office. Such an extension would clearly be in the public interest in that it would also allow the public additional time to submit comments. We hereby request an extension of sixty days, until 5:00 p.m. on December 2, 2002.

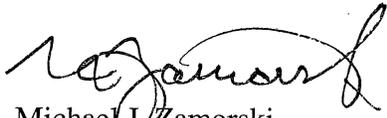
We are also notifying you that, at this time, we do not intend to post notice as addressed in your September 3, 2002 letter. As you point out, the New Mexico Hazardous Waste Act requires posting notice, but only "Upon receipt of information that there is hazardous waste at any site which has presented an imminent and substantial endangerment to human health or the environment . . ." (emphasis added) NMSA 74-4-13.C. Because the "Secretary's Determination of an Imminent and Substantial Endangerment to Health and the Environment" concludes that hazardous waste may present an imminent and substantial endangerment, but did not conclude that hazardous waste has presented an imminent and substantial endangerment, we

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respectfully state that the HWA does not require posting at this time. If your interpretation differs, please advise.

Thank you for your consideration of this extension request. If you have any questions, please contact Joe Estrada [(505) 845-5326] of the Office of Kirtland Site Operations.

Sincerely,



Michael J. Zamorski
Director
Office of Kirtland Site Operations
U.S. Department of Energy



for Robert J. Eagan
Vice President, Division 6000
Sandia Corporation

cc:

G. Lewis, NMED WWMD

J. Bearzi, NMED HWB

J. Kieling, NMED HWB

W. Moats, NMED HWB

L. King, USEPA, Region VI

K. Zamora, DOE/OKSO

J. Estrada, DOE/OKSO

P. Davies, SNL, MS 0701

F. Nimick, SNL, MS 1087

