

SPARTON**SPARTON CORPORATION**

May 1, 1996

Mr. Sam Coleman
United States Environmental
Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Sparton Technology Incorporated,
AOC Docket No. XI-004(h)-87-A

Dear Mr. Coleman:

I understand that you have suggested a conference for this Friday morning to discuss Sparton Technology, Inc.'s (Sparton) position that a force majeure event exists that justified providing Sparton with 90 instead of 30 days in which to submit a final corrective measures study. It may be unnecessary to have that conference.

The agency recognized that it has the authority under the AOC to extend the due date for the final CMS, independent of the existence of a force majeure event, when it granted Sparton a 30 day extension. As our outside counsel, Jim Harris, communicated to Evan Pierson, on April 3, 1996, we said we would attempt to meet the new deadline and we have tried to do so.

As I am sure you can appreciate, trying to compress our work into two-thirds of the time we believed would be required has been difficult. The 60 days we were provided left no room for error. It also did not contemplate the possibility of any settlement discussions with the state or your agency.

As you may recall, you were provided information from our technical consultant setting forth what tasks he believed needed to be accomplished and the time frame in which they could be completed. Seven of those are finished, and the remaining three are in various stages of completion. We also have a draft of the final CMS, which is still missing a few sections.

Based on the availability of our outside legal counsel, who must still review the document, and the need for final management consideration of the report, we respectfully request a further one week extension. If granted, the report would be due on or before Monday, May 13, 1996. Recognizing the interest of your agency in moving this matter along as expeditiously as possible, a concern we share, we would offer to have the final CMS hand delivered to Mr. Crossland of your staff on May 13, 1996. Past submissions to the agency have been considered timely if mailed on the due date. Given the size of the report, we would anticipate you might not receive it until Thursday or Friday even if it was mailed on Monday, May 6, 1996. Therefore, having the report hand delivered on Monday would effectively amount to a one or two day extension.

Apart from the usual problems in obtaining outside sources of information, inefficiencies in obtaining clarification from your agency about what was being requested, and the myriad of other factors that in a real world setting make a compressed time schedule difficult to meet, there is another reason why the seven day extension is warranted.

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We originally did not anticipate that we would have an opportunity to engage in any significant settlement discussions about an appropriate remedy at the site during the time we were working on the final CMS. But an opportunity did present itself to meet directly with Secretary Weidler of the New Mexico Environment Division. That meeting precipitated a much larger gathering of various parties involved in this proceeding in Albuquerque last week.

Those meetings have affected our ability to achieve the May 6, 1996, deadline in two ways. First, the time necessary to prepare for and attend those meetings was time that could not be spent on finalizing the CMS. Secondly as a result of those meetings, new information was shared with us and modified positions were proposed that directly impact the analysis contained in the CMS. We very much want to insure that such information is included in the CMS but will be unable to adequately revise the document unless we are provided the seven day extension. We believe that such additional information would allow the CMS to be more complete, and may make resolution of any differences regarding an appropriate response at this site more likely.

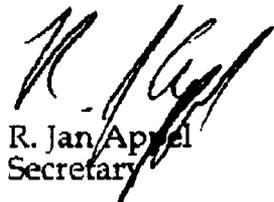
In our view, the seven day extension would actually help the settlement process. In that regard, we think it is important to note that there are very different institutional approaches by NMED and EPA with regard to selecting an appropriate response at the Sparton site. EPA, by virtue of the administrative order on consent, is locked into a particular process. NMED does not find itself so constrained and has been taking a more "free-form" approach. As I am sure you can appreciate, it is difficult for Sparton to operate easily in both environments. Trying to do so is in part responsible for the need to ask for an additional week.

Obviously we are also concerned about having to take off additional time to meet with you on Friday; time that could be better used in finalizing the CMS. Therefore, if the agency is willing to grant us the seven day extension, the conference on Friday would not be necessary, because the need to resolve a force majeure issue would become moot.

Please call me at your earliest convenience to let me know whether the extension we have requested is acceptable to EPA.

Respectfully,

SPARTON TECHNOLOGY, INC.



R. Jan Appel
Secretary

RJA:jc

cc: Vincent Malott