

STATE OF NEW MEXICO  
SECRETARY OF ENVIRONMENT



SPARTON TECHNOLOGY, INC.,  
Complainant,

v.

No. HRM 99-04(A)

NEW MEXICO ENVIRONMENT  
DEPARTMENT, HAZARDOUS  
AND RADIOACTIVE  
MATERIALS BUREAU  
Respondent.

MOTION FOR CONTINUANCE OF HEARING

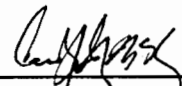
The New Mexico Environment Department, Hazardous and Radioactive Materials Bureau, (NMED) respectfully requests the Hearing Officer to Order, pursuant to 20 NMAC 1.5.113.B, a continuance of the Hearing in the above-captioned case until August 30, 1999. In support of NMED's Motion, NMED asserts the following:

1. Mr. James Bearzi, Chief of the Hazardous and Radioactive Materials Bureau, and a witness for this Hearing, has a pre-existing schedule conflict on August 25, 1999 which cannot be re-scheduled.
2. Mr. C. John McKay, NMED counsel, has a pre-existing Hearing scheduled and public noticed before the New Mexico Mining Commission on August 25, 1999.
3. NMED's Motion to continue the Hearing until August 30, 1999 will not cause undue delay to the proceedings since the requested continuance would only result in a delay of three (3) business days.
4. NMED's Motion to continue the Hearing until August 30, 1999 will not prejudice other parties because 20 NMAC 4.2.302.3 provides an automatic stay of payment of an appealed fee.

NMED attempted to contact the attorney for Sparton Technology, Inc., Complainant, telephonically at (214)969-1102. Mr. Harris was unavailable until Monday, August 2, 1999.

For the above reasons, NMED respectfully requests the Hearing Officer to Order a continuance of the Hearing until August 30, 1999.

Respectfully Submitted,

  
\_\_\_\_\_  
C. John McKay  
Asst. General Counsel  
Environment Department

STATE OF NEW MEXICO  
SECRETARY OF ENVIRONMENT

SPARTON TECHNOLOGY, INC.,  
Complainant,

v.

No. HRM 99-04(A)

NEW MEXICO ENVIRONMENT  
DEPARTMENT, HAZARDOUS  
AND RADIOACTIVE  
MATERIALS BUREAU  
Respondent.

CONTINUANCE OF HEARING

As provided by 20 NMAC 1.5.113.B, the Hearing in the above-captioned case, originally scheduled for August 25, 1999, is hereby continued until August 30, 1999.

By Order of the Hearing Officer,

---

Felicia L. Orth

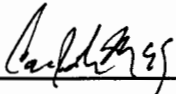
CERTIFICATE OF SERVICE

I hereby certify that on July 29, 1999 a copy of the foregoing Motion for Continuance and Proposed Order was provided via first class mail to the following party of record:

Mr. James B. Harris  
Thompson & Knight  
1700 Pacific Ave.  
Suite 3300  
Dallas, TX 75201-4693

and was hand-delivered to:

Tamella L. Gonzales, Administrator  
NMED Boards and Commissions  
1190 St. Francis Dr., Room N-4075  
Santa Fe, NM 87502

  
\_\_\_\_\_  
C. John McKay  
Asst. General Counsel  
Environment Department