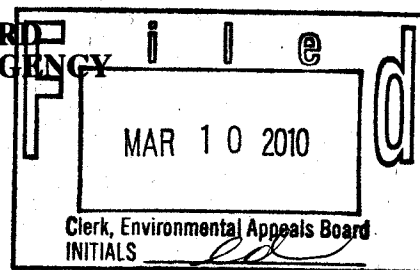


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Los Alamos National Laboratory,)

NPDES Permit No. NM0030759)

NPDES Appeal No. 09-05

ORDER GRANTING SEVENTH EXTENSION OF RESPONSE TIME

On March 13, 2009, the Environmental Appeals Board received a petition for review of the National Pollution Discharge Elimination System permit referenced above (the "Permit") that U.S. Environmental Protection Agency Region 6 (the "Region") issued on February 13, 2009. The petition was filed by the Western Environmental Law Center on behalf of Amigos Bravos, Concerned Citizens for Nuclear Safety, Embudo Valley Environmental Monitoring Group, Honor Our Pueblo Existence, New Mexico Acequia Association, Partnership for Earth Spirituality, J. Gilbert Sanchez, Kathy Sanchez, and Tewa Women United (collectively "Petitioners").

The Permit would authorize, subject to conditions, storm water discharges from point sources at the Los Alamos National Laboratory ("LANL") located in Los Alamos County northwest of Santa Fe, New Mexico. By letter dated March 17, 2009, the Clerk of the Board requested the Region file, no later than April 30, 2009, a response to the petition for review and copies of relevant portions of the administrative record, together with a certified index of the administrative record. By Order dated April 21, 2009, the Board granted the Region's motion for an extension of time to file its response to the petition and the Board granted the request of United States Department of Energy ("DOE") and Los Alamos National Security, LLC ("LANS"), as LANL's owner and co-operators, to be allowed to file a response to the petition. That Order set June 11, 2009 as the deadline for both the Region's and

DOE/LANS's responses. By subsequent Orders, the Board extended the Region's and DOE/LANS's response deadline until March 5, 2010.

Before the Board at this time is the joint motion filed by the Region, LANS, DOE, and the Petitioners requesting that the March 5, 2010 deadline for the Region and DOE/LANS to file their responses to the petition be extended until March 12, 2010, because they are "on the verge of reaching an agreement in principle regarding this matter, but need an additional week to reach final agreement and get final approval from the Petitioners and LANL, DOE and EPA upper management."

Upon consideration, the joint motion for an extension of time is hereby granted, with the time extended for two weeks, rather than the one-week extension the parties request. Accordingly, DOE and LANS shall file their joint response, and the Region shall file its response and other information identified in the Clerk's March 17, 2009 letter, on or before Friday, March 19, 2010. Any request for further extension of time shall be filed no later than March 15, 2010, and shall describe precisely what additional steps must be completed to fully dispose of this appellate proceeding by settlement.

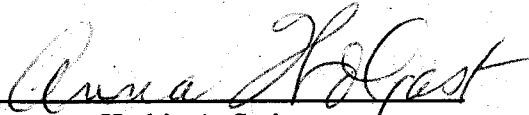
So ordered.

Dated:

March 10, 2010

ENVIRONMENTAL APPEALS BOARD

By:

for 
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the Forgoing Order Granting Seventh Extension of Response Time, in the matter of Los Alamos National Laboratory, NPDES Appeal No. 09-05, were sent to the following persons in the manner indicated:

Telecopier and First Class Mail:

James T. Banks
Adam J. Siegel
Hogan & Hartson LLP
555 13th Street, NW
Washington, DC 20004
Fax: (202) 637-5910

Lisa Cummings
US Department of Energy
Los Alamos Site Office
3747 West Jemez Road
Los Alamos, NM 87544
Fax: (505) 665-4873

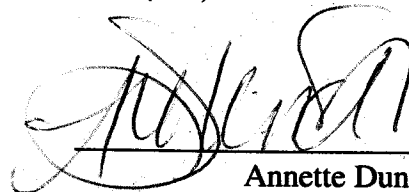
Megan M. Anderson
Western Environmental Law Center
P.O. Box 1507
Taos, NM 87571
Fax: (575) 751-1775

Matthew K. Bishop
Western Environmental Law Center
103 Reeder's Alley
Helena, Montana 59601
Fax: (406) 443-6305

Telecopier and Pouch Mail:

E. Renea Ryland
U.S. EPA, Region 6 (MC-6RCM)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Fax: (214)-665-2182

Dated: MAR 10 2010



Annette Duncan
Secretary