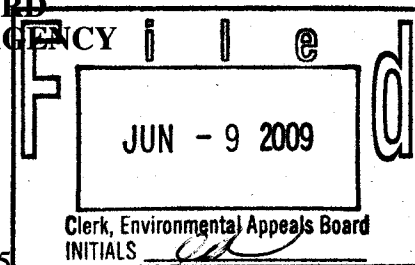


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)

Los Alamos National Laboratory,)

NPDES Permit No. NM0030759)

NPDES Appeal No. 09-05

ORDER GRANTING 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.

Before the Board at this time is the joint motion filed by the Region, LANS, DOE, and the Petitioners requesting that the June 11, 2009 deadline for the Region and DOE/LANS to file their responses to the petition be extended until September 11, 2009, in order to allow the parties time to undertake settlement negotiations. The movants state that, on or before August 11, 2009, they will file a report regarding any progress in their negotiations and any request for a further extension of the deadline. The movants also state that they believe that resolution of some or all of the issues in this appeal is possible.

Upon consideration, the joint motion for an extension of time is hereby granted. 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 letter, on or before Friday, September 11, 2009. The Region, DOE, LANS, and the Petitioners shall also jointly file on or before Tuesday, August 11, 2009, a status report regarding progress in their settlement discussions.

So ordered.

Dated: 6/9/09

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the Forgoing Order Granting 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:

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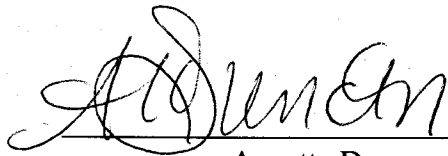
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Dated: JUN - 9 2009


Annette Duncan
Secretary