

1/28/04 Journal Worth
LANL Order

State: DOE Backed Out Of Deals

\$42 Million in Cleanup Funds Withheld From Lab

BY ADAM RANKIN
Journal Staff Writer

LOS ALAMOS — On at least two occasions, the head of the Department of Energy's environmental management program dismissed agreements reached on key points between the state and local DOE officials in a dispute over environmental cleanup authority at Los Alamos National Laboratory, according to the head of the state's Environment Department.

"We feel quite simply that the DOE has been disingenuous with the state of New Mexico," state Environment Department Secretary Ron Curry told the County Council here on Tuesday night.

Curry said the state worked hard to negotiate in good faith with DOE officials at all levels on the premise that any solution to the dispute would be framed around an enforceable state order, as opposed to DOE's "accelerated" cleanup plans.

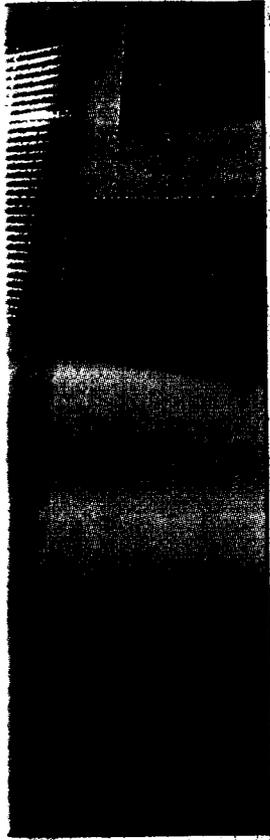
He said DOE's Jessie Roberson, who heads DOE's environmental management, had agreed to that framework for a negotiated resolution early on, but as closed-door talks progressed for more than a year without agreement, she backed off that promise and started pressuring the state to accept DOE's plans.

New Mexico is the only state out of 17 states that has not signed an "accelerated" agreement, or a so-called Performance Management Plan, that would allow extra environmental cleanup funds to be released to DOE sites. Because of the current dispute and the state's refusal to agree to DOE's terms, about \$42 million in extra funding is being withheld from LANL.

Gov. Bill Richardson recently equated DOE's strategy to "extortion."

Roberson has said DOE's goal is to get on with actual cleanup that is protective of human health and the environment at LANL.

DOE, LANL and the University of California, which operates LANL, filed lawsuits against the state in 2002 seeking to prevent it from implementing its cleanup plan, a corrective action order, that found LANL's legacy wastes posed a



THARINE KIMBALL/JOURNAL
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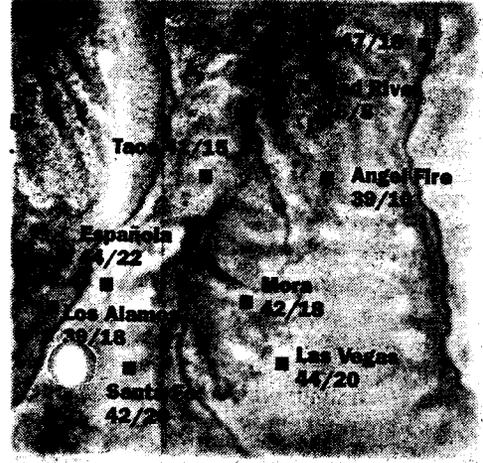
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EMPERATURES



NS

Purgatory	50°-57°	Ski Apache	21°-30°
Red River	38°-38°	Steamboat	55°-58°
Sandia	17°-17°	Taos	45°-56°
Santa Fe	34°-34°	Telluride	43°-47°
Slpapu	21°-36°	Wolf Creek	99°-107°

The council, while supporting a resolution in October 2003 to move forward with at least the design of a new center, also voted to hold off on further dis-

Still, Varela said city officials must show support for the measure during the 2004 session. "It's their (the council's) job to make a decision (on a new convention center)," Varela

city will need help paying for it from the general fund," Chavez said. In that case, the civic center would take away money that could be used in his district for other projects, like

Varela on Tuesday also introduced on the House floor a Capital Outlay project request for \$1.2 million to help fund the southside library.

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substantial and imminent endangerment to human health and the environment.

The state filed its first arguments in those cases, both in federal and state courts, last week.

But Curry told the Los Alamos County Council he was hopeful a resolution would be reached outside of court. He said negotiations, which had been terminated by the state just before the end of 2003, have resumed. He also said LANL director Pete Nanos has become involved for the first time in helping to broker an

agreement between the state and DOE.

"I can tell you that will make a difference; it already has," Curry said.

Curry told the County Council how negotiations between DOE and the state had progressed, how on two separate occasions agreements were reached on critical issues "that had been sticking points," but how each time Roberson had "summarily" rejected the terms.

Curry acknowledged one important issue that has come up in negotiations with Roberson is the concern that the state's order requires some

agreement between the state and DOE. "I can tell you that will make a difference; it already has," Curry said.

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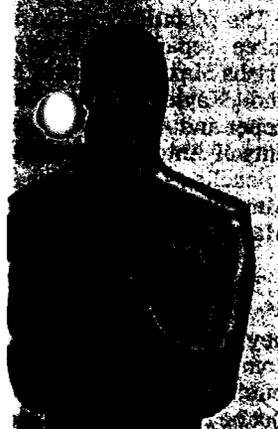
also being withheld.

DOE's Ted Taylor explained at a recent advisory board meeting that about \$11 million of waste management funds are being withheld from LANL for fiscal year 2004 by DOE leaving the program with about \$32 million. He said the withheld funds would mostly go to support the so-called "quick-to-WIPP" program, which ensures recent transuranic waste is processed and shipped to the Waste Isolation Pilot Plant for long-term storage near Carlsbad.

Ralph Erickson, DOE's manager, at the meeting recently said "quick-to-WIPP" is a DOE priority.

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Nominations

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Kerry Wins N.H. Primary Easily

Dean Is Second; Edwards, Clark Struggle for Third

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Decision Board Sees Museum Plans