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LANL's Cleanup Efforts Doubted

By John Arnold
Journal Staff Writer

Los Alamos National Laboratory has been trying to "short-circuit" an environmental cleanup agreement with the state, according to state Environment Secretary Ron Curry.

During remarks to the state Legislature's LANL Oversight Committee on Thursday, Curry said that his department has received reports from the Environmental Protection Agency and other sources that LANL managers have attempted to obstruct the consent order.

That agreement, signed by state and federal officials last year, requires the lab to investigate and clean up decades worth of contamination on the lab's 40-square-mile property.

"What we have seen are incidents where they're apparently, in our opinion, trying to find ways to either short-circuit or shortcut the order we've negotiated, either by changing the federal law that it would operate under or trying to find legal road blocks to delay implementation of the order," Curry said.

A LANL spokesman denied Curry's allegations and said that lab managers have not tried to open the consent order for renegotiation.

"The lab has always recognized the consent order as our driver for cleanup," lab spokesman James Rickman said. "There's been no attempt to do an end-around on the consent order or undermine its authority."

Curry's comments surprised some lawmakers, who said they were under the impression that the relationship between the state Environment Department and LANL's new management team, Los Alamos National Security, had gotten off to a good start.

Curry said that shortly after LANS took over lab operations in June, the company appeared eager to tackle environmental issues.

"But what we have seen since that time are some concerns that make us worry about the long-term environmental commitment that (Los Alamos National Security) has toward the state of New Mexico," Curry said.

Curry cited as an example cuts in lab funding for a publicly accessible database of LANL environmental information.

The database, known as RACER, organizes lab environmental data and identifies and ranks sources of public health risk.

RACER stands for Risk Analysis, Communication, Evaluation and Reduction and is accessible through the Internet.

Curry says the database is an important tool that makes the lab's environmental cleanup efforts more transparent.

The lab has been funding the project at $1.5 million a year over the past three years, Rickman said. The database was run by an outside contractor, scientist John Till, he said.

But because of budget constraints, the lab has been forced to pare down funding to $250,000 a year and is administering the database in-house, Rickman said.

While the lab is facing the prospect of a flat or reduced budget this fiscal year, it also must handle about $176 million in new expenses, like the state's gross receipts tax, a new management fee and increased labor-related costs.

In addition, the Bush administration has proposed further cuts to environmental cleanup funding. That means "bucket-and-shovel" cleanup projects must take priority, Rickman said.

"We've got these funding uncertainties, so the lab is placed in a position of trying to maximize every dollar that we have," he said, adding that all of the lab's environmental data is publicly accessible even without RACER.

Regulator: LANL 'pushing back' on consent order

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SANTA FE - State Environment Secretary Ron Curry caught legislators by surprise when he told them that relations between the state regulators and Los Alamos National Laboratory have taken a turn for the worse.

Speaking at the LANL Oversight Committee hearing in the Capitol Thursday, Curry raised three issues that he said were disturbing the relationship between his department and the new managers of the nuclear weapons laboratory.

"We thought they were a breath of fresh air," he said, referring to his first impressions and assurances from the laboratory. "We don't feel that way any more."

Rep. Nick Salazar, D- Mora, Rio Arriba, San M., Santa Fe and Taos, said, "We were under the impression that everything was going well. We're saddened to hear that."

Curry said these were new developments that had arisen in the last 30 days that led him to believe that the new LANL management, Los Alamos National Security (LANS) LLC, was trying to undercut or work around the consent order that has governed the relationship and defined the schedule and processes the two entities would follow toward a comprehensive environmental cleanup of lab property.

He based this assessment on two sets of incidents and a sudden downgrading for a three-year-old, $4.5 million risk-assessment program, known as RACER.

Curry said he had become aware that LANL environmental staff members were attempting to sound out the potential for renegotiating the historic consent order agreement that began during the administration of Republican Gov. Gary Johnson and entered into effect in March 2005.

He said DOE officials in Washington had confirmed the intention, but that when he asked responsible LANL officials about it, they had denied it.

Shortly afterward, he said, he found out from U.S. Environmental Protection Administration officials in Dallas, that LANS had approached them about possibilities for circumventing state regulators by making LANL a superfund site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) rather than a state-supervised responsibility under the generally more rigorous Resource Conservation and Recovery Act (RCRA).

'We want them to stop pushing back on an order that was negotiated in good faith," Curry said.

After Curry's statements to the committee, laboratory spokesperson James Rickman responded.

"First, the laboratory has always respected the environment department's authority," he said. "Nobody has approached anybody about renegotiating the consent order or changing to CERCLA."

He said the laboratory is committed to abiding by the stipulations of the consent order.

For Curry, the laboratory's near abandonment of the RACER project raised important issues about "how the laboratory is going to address environmental data," he told the legislators.

RACER is an acronym that stands for "risk analysis, communication, evaluation and reduction." The project was introduced with some enthusiasm at the laboratory in 2003, as a way to increase public involvement in evaluating environmental risks.

One key to the program was collecting data from multiple sources in a consistent format that can be accessed by all the different people and groups, including community stakeholders.

A series of meetings, reports and technical workshops introduced the concept to the northern New Mexico community during the first two years, as the databases and decision-

making models were developed.

John Till, president of the Risk Assessment Corporation, was also somewhat surprised that his project had been a subject at a legislative hearing.

By telephone from South Carolina Thursday, he said the project has not done any work since the end of September and that the new management has questioned the value of the project.

He confirmed Curry's statement to the committee that LANL was proposing to cut the contract budget from $1.5 million a year to $250,000 and, rather than continue the community involvement, to bring the project "in-house."

Till has directed the project under a contract between the laboratory and Colorado State University. He said the way the project was structured enabled his team to maintain scientific independence and credibility with the public.

"We have been completely open and transparent," he said. "We work with everybody as partners in the same way, whether it's the lab, NMED, or San Ildefonso. I can't turn my back on those people."

Speaking for the laboratory, Rickman said the laboratory has published environmental data for several decades, noting as an example, the laboratory's environmental surveillance report for 2005, that was just released.

"That won't change," he said.

Till said that even within the laboratory different groups collect data for their own databases. Some, he said as an example, spell out "plutonium," some use the abbreviation "Pu."

During questions to the secretary, Salazar also wondered if there might not be some connection between the problems Curry was reporting and the federal budget cuts.

Salazar is chairman of the House Rules and Order of Business Committee and an outside governor on the board of the company that manages the laboratory. He is retired from LANL.

Curry said he understood that DOE had restored FY07 funding for environmental management.

"If funding is restored, why are they looking at RACER cuts?" he said.

"I realize budgets are tight, but RACER is all about saving money," Till said later in the day. "The state, lab, EPA - all using consistent data, that's saving money and making wise decisions."

LANL officials said that Curry was welcome to have direct talks with lab director Michael Anastasio, but Curry said they had been unable to arrive at a time to meet that was convenient for both of them.