

Permit



ALBUQUERQUE

THURSDAY  
August 1, 2002

# JOURNAL

## North

EDITION

SERVICE FROM BIG OLDIES 98.5 FM 988-5151 SANTA FE \* ESPAÑOLA \* LOS ALAMOS \* LAS VEGAS \* TAOS \* ...

### My Journey

...onizes First Indian

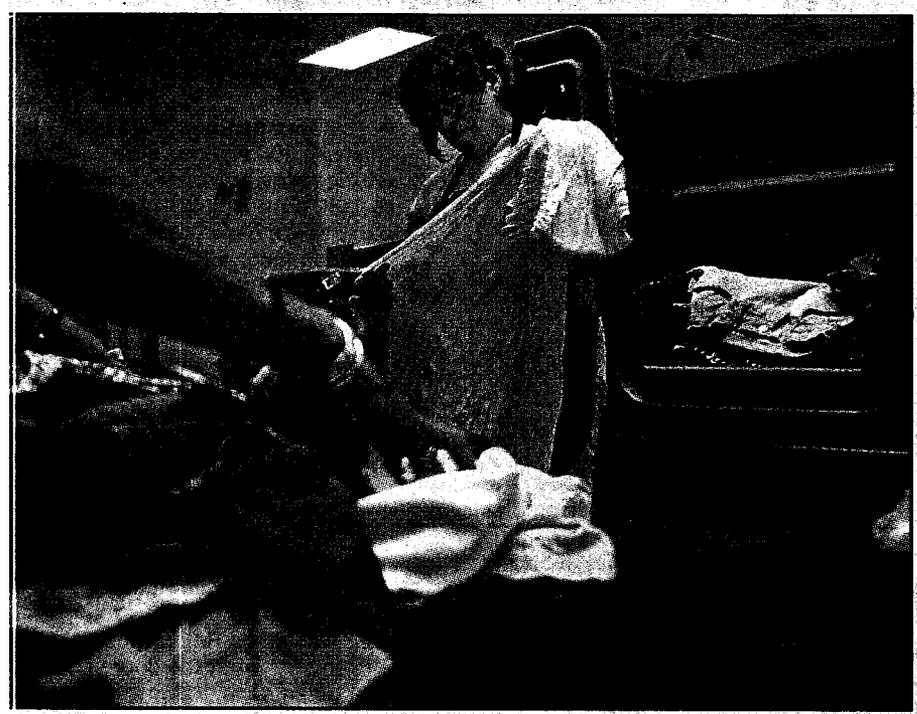
PAGE A1



### BUSINESS OUTLOOK

## Pueblos Mix It Up

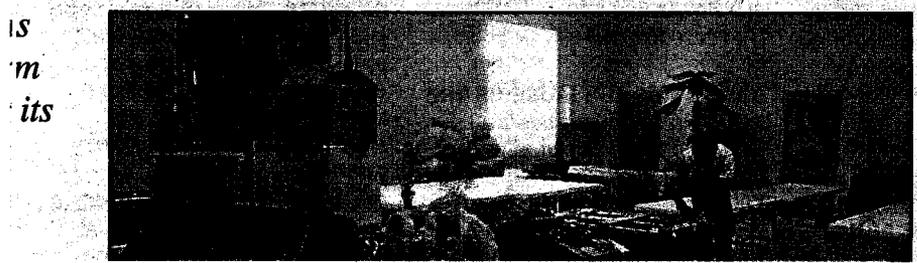
Golf, Concerts Luring More Gamblers



EDDIE MOORE/JOURNAL

Martinez, left, and Louise Anaya sort through donations at the Salvation Army on ... sorting donations in the dining room after a fire destroyed the warehouse.

## Needs More Space



# LANL Fighting Cleanup Orders

## Assertion of Imminent Danger Challenged

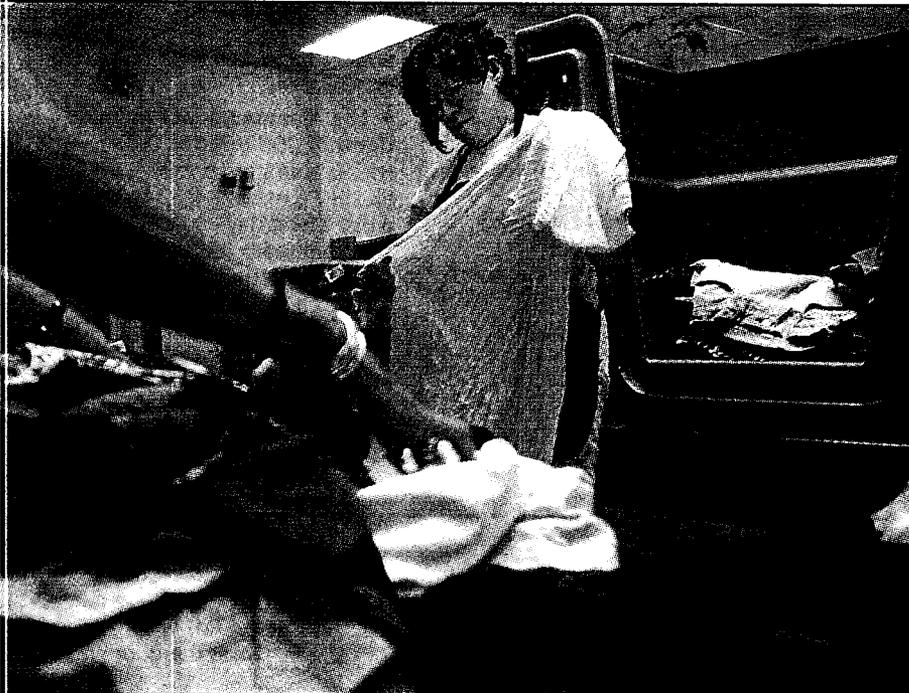
BY ANGELA TURNER  
*Journal Staff Writer*

Los Alamos National Laboratory officials have challenged a state Environment Department cleanup order that accuses the weapons lab of being a danger to the public, countering that the department overstepped its regulatory authority.

The lab issued a 145-page response Wednesday to the state's May 2 draft order that determined that waste dumped or stored at Los Alamos since World War II may pose "an imminent and substantial endangerment to human health and the environment."

In a letter to state Environment Department Secretary Peter Maggiore, lab Director John C. Browne said the state's findings "create a false





EDDIE MOORE/JOURNAL

Martinez, left, and Louse Anaya sort through donations at the Salvation Army on Wednesday in the dining room after a fire destroyed the warehouse.

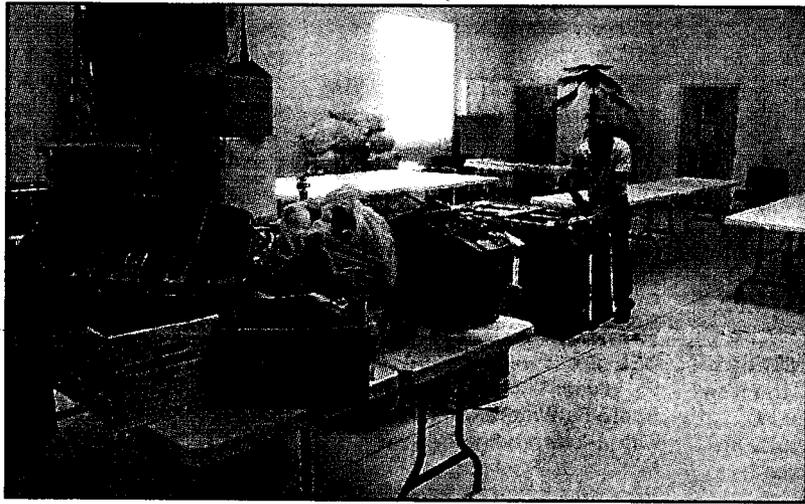
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**DOUBLE DUTY:** Rudy Lucero, a Salvation Army employee, works on a donations bin in the dining room of the organization's location on West Alameda Street on Wednesday.

## Donations

Because of the lack of space, the Salvation Army will pick up all donations. It has no place for donors to drop off items. Please call 988-8054 for more information. Cash donations also are needed.

donated goods to its stores in Española and Las Vegas, N.M., but there's little space to process the donations in Santa Fe, Webb said.

For now, donors should call the Salvation Army and ask for a truck to come pick up items. There's no place yet for donors to drop off goods.

Cash donations are sorely needed, Webb said.

"We're still running short of

# LANL Fighting Cleanup Orders

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Evidence in the record "does not support a finding of an imminent substantial endangerment associated with the laboratory," Browne wrote. "To the contrary, a number of credible and independent scientific studies conclude there are no significant risks associated with contamination at the facility."

The assertion of imminent danger from the lab "strains credibility," the lab's formal comments said, adding in italics for emphasis, "*Prior to May 2, NMED (the New Mexico Environment Department) had never orally or in writing suggested*

See **LAB** on **PAGE 3**

# Debate Slated For Monday

Sanchez. Bacon To Face Off

miles northeast of Taos. While police have not publicly identified the remains as those of Patterson's grandmother, court records state that Patterson told Fairfax County, Va., detectives his grandmother died of natural causes while they were staying in a motel in Red River and that after two days he buried her in the woods

The Star-Telegram also reported Patterson shared a house with his grandmother in Arlington and there had been a series of legal battles between Patterson and West over the house and other property dating back to 1996.

The tampering with evidence charge against Patterson is a fourth-degree felony.

was available on when the pair visited Red River.

According to police when Patterson was arrested in Virginia, he had in his possession his grandmother's checkbook, credit cards and auto, a Jeep Cherokee. West had been reported missing Feb. 28.

The skeletal remains were discovered after Virginia

time earlier while clearing property at the sewage treatment plant.

The two went to check the location and found a shallow grave and a blanket, a woman's jacket, belt, bra and shoes, along with what appeared to be human hair in the grave and around the immediate site, the report said.

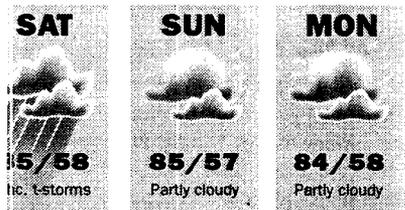
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Weather Central, Inc.  
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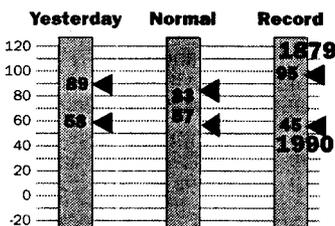
ERLINE  
Santa Fe ▲ 988-5151

## CAST

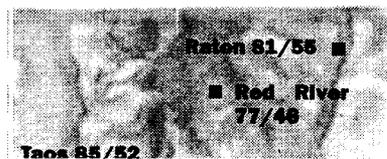


Skies will be partly cloudy with a few thunderstorms possible Friday and Saturday. Expect drier and seasonable conditions Sunday and Monday. Highs in the mid-80s.

## TEMPERATURE



## ERATURES



from PAGE 1

the existence of such a condition."

"In fact, NMED has continually reassured the public to the contrary," the lab said, calling the May order "an abrupt and unjustified regulatory about-face."

Jim Holt, associate director for operations at Los Alamos, said lab officials believed that prior to the May order, their environmental monitoring and cleanup strategies had the support of the Environment Department.

The May order "ignores years of conceptual approaches approved by NMED and acted upon in reliance by the laboratory, sweeping them away as if they had never existed or been agreed to by NMED," the lab's formal response said.

Holt said the state's order also "attempts to give the department regulatory authority in areas where no such authority exists and — worst of all — prolongs and delays cleanup of key sites by assigning actions that are overly broad and prescriptive."

In the formal comments filed Wednesday, the labs' operators say the work called for in the state's cleanup order also is duplicative and "so illogically sequenced, that the laboratory

staff has estimated that it will cost hundreds of millions of dollars beyond the laboratory's current environmental restoration efforts" with no corresponding benefit.

Cathy Tyson-Foster, a spokeswoman for the Environment Department, said the department will respond to the lab's comments and consider modifications to the order within 30 to 90 days.

The 300-page state order released this spring would force the lab to launch a broad investigation of its property to determine the type and location of contamination there. Based on the investigation, the lab would have to clean up polluted areas to standards set by the Environment Department.

Deadlines for completion of the monitoring were as early as the spring and as late as 2011.

The lab's Wednesday response was filed by the National Nuclear Security Administration and the regents of the University of California, which runs the lab.

The response says that "the energies and resources" of both the lab and the state would be best spent on "the comprehensive environmental restoration program" already under way at the lab.

Greg Mello of the anti-nuclear Los Alamos Study

group said his organization supports any cleanup efforts at the lab but feels the Environment Department should have allowed more public involvement in the process.

"It doesn't seem right for the DOE or the public not to have more formal involvement in the process," he said. "Not just that it doesn't seem right, it's not legal."

If the order were treated as a change to LANL's cleanup permit, Mello said, the public and the lab would have had an opportunity to take part in formal hearings, which he said is important since the cleanup would involve millions of taxpayers' dollars.

The DOE and the University of California previously have challenged in federal and state court the Environment Department's findings and questioned the state's jurisdiction over the lab's nuclear materials that are regulated by other agencies, said Linn Tytler, Los Alamos lab spokeswoman.

The lawsuits have been stayed until Sept. 30 so the Environment Department can complete its administration process, including the 60-day comment period, Tytler said.

"If we hadn't gone to court when we did, we would not have any standings afterwards," she said.

# Lab Challenges State Orders