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ODAY

Governor to DOE: 'I can play hardball'

► *Department of Energy denying funds for cleanup at Los Alamos lab*

By **JEFF TOLLEFSON**
The New Mexican

Gov. Bill Richardson on Wednesday accused the U.S. Department of Energy of extortion for withholding about \$43 million from a cleanup program at Los Alamos National Laboratory.

The governor, who once

headed the federal agency, said the state won't back down in a jurisdictional dispute over who calls the shots on how to address decades of pollution at the nuclear-weapons lab.

DOE withheld about \$26 million in cleanup funds from last year's budget at Los Alamos and plans to hold back another \$17 million this year, citing the lack of an agreement on the agency's proposed cleanup goals. The energy department is also withholding \$9 million from the lab's waste-management program, which handles nuclear-waste shipments to the Waste Isolation Pilot Plant in Carlsbad.

"The state will not submit to this kind of extortion," Richardson said, issuing a veiled threat to block other DOE initiatives at WIPP if the agency doesn't come around. "If they want to play hardball, I can play hardball."

Most of the pollution at the lab is located in 26 major waste dumps, where the lab buried nuclear and hazardous materials during six decades of research on the nuclear stockpile.

Contamination from various activities, from testing explosives to the release of

The fight to clean up LANL

What it's about: In November 2002, the state of New Mexico issued a cleanup order to Los Alamos National Laboratory. Citing years of work and little progress at the lab, state officials said the order establishes enforceable, long-term schedules that will finally move the program forward.

The U.S. Department of Energy, meanwhile, is in the midst of overhauling its cleanup program throughout the nuclear complex. DOE challenged the state's authority to issue such a cleanup order in federal court, issuing its own "accelerated cleanup" proposal.

Mixed in with the jurisdictional debate are legal questions regarding the regulation of nuclear and hazardous materials, which are often mixed together at Los Alamos. States can regulate hazardous materials under federal law, but nuclear materials fall under the sole jurisdiction of the U.S. Energy Department.

What could happen next: The state has announced it is abandoning negotiations with DOE regarding the cleanup order. The two entities could end up in court-ordered mediation or a protracted legal battle. State officials also say they could issue another cleanup order or break the current order into smaller pieces covering specific areas.

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Laws taking effect in New Mexico are ones

an income-tax increase of 100,000 over 20 years for owners who turn a public or private agency to be open space. A "lemon" law to protect used cars and a new law provides consumer implied warranties for 15 days or

tobacco sales in a new law will require underage drivers can sell cigarettes only in a "exchange" of the customer's money. The new law will require a service display

in which a customer could pick up the cigarettes or tobacco products without the assistance of the retailer.

■ Limit access to some credit-card information to help prevent theft of identity. The new law requires that credit-card receipts not contain more than five numbers from cardholders' account numbers, and it says businesses that request Social Security numbers from their customers must adopt policies that limit employees' access to them.

■ Require certain companies to offer health insurance to their workers in order to become eligible for industry-revenue bonds or in-plant training money.

The Associated Press

LANL

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waste water, is also present in canyons and on mesa tops throughout the 43-square-mile facility. One of the state's primary fears is long-term contamination of groundwater, which has already been documented in some areas.

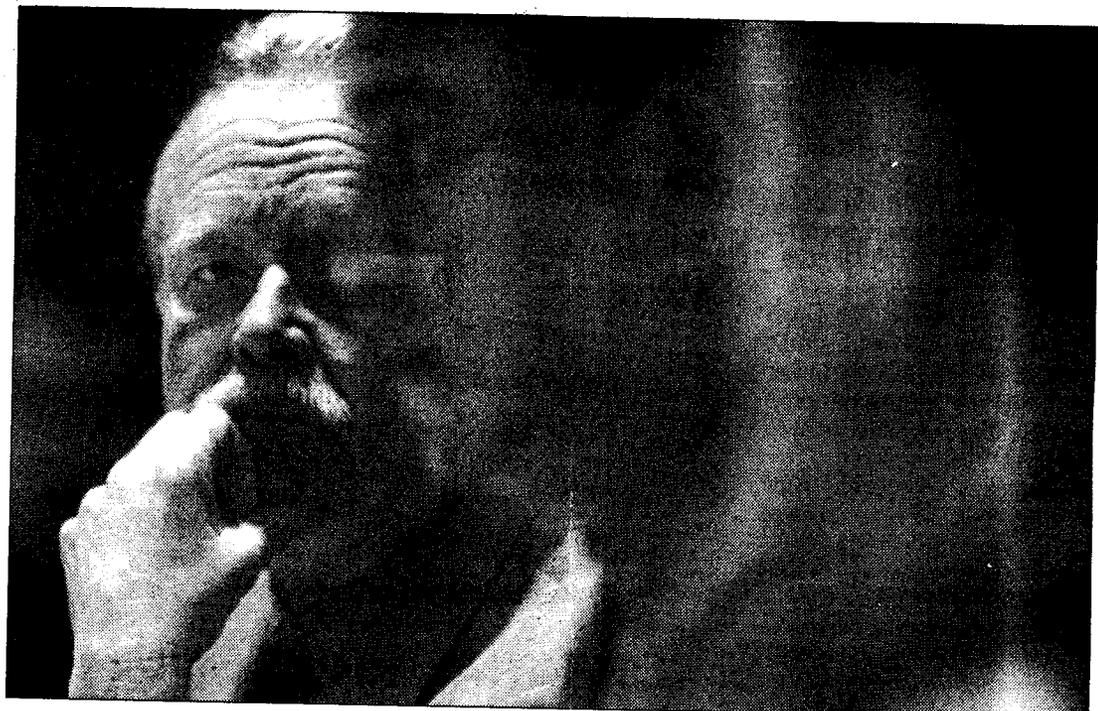
Richardson commended U.S. Sen. Jeff Bingaman, D-N.M., for requesting congressional hearings to look at DOE's cleanup program. Those hearings could take place as early as January or February.

"Unfortunately, DOE has recently adopted a policy of relaxing ... cleanup plans to accelerate schedules and save money," Bingaman said in a prepared statement on Wednesday. "I don't think that policy has worked for New Mexico."

DOE and the state have been locked in negotiations since last November, when the state issued a cleanup order detailing investigations and cleanup schedules at LANL. The lab filed several lawsuits challenging that order, while proposing its own program as part of an initiative to accelerate cleanup throughout the nation's nuclear complex.

Spokesman Joe Davis said DOE has maintained what it considers "baseline funding" for cleanup at Los Alamos. The \$43 million would come from a separate account in the cleanup budget, established by Congress in 2002 to fund accelerated cleanup programs, he said.

The additional money would pay for the agency's plan to complete cleanup activities at Los Alamos by 2015, knocking 15 years off of the previous schedule, but the state has not signed off on the proposal,



Erin Galletta/The New Mexican

Environment Department Secretary Ron Curry listens Wednesday morning to Gov. Bill Richardson's statement about the U.S. Department of Energy's plan to withhold \$42 million for LANL cleanup.

Davis said.

"We put a system in place, and Congress approved it," he said. "Until we get an agreement, we are not releasing the money. We can't treat the state of New Mexico any different than any other state."

State regulators say DOE has given them little choice in the matter: The lab's accelerated cleanup program translates into no cleanup whatsoever.

If DOE has its way, "not a single thing is going to be cleaned up," James Bearzi, the state Environment Department's lead negotiator on the issue, said during an interview Wednesday. Bearzi said the lab's 17-page cleanup plan doesn't contemplate cleanup. Sixty years worth of hazardous and nuclear waste

would be left in place and monitored.

Environment Department Secretary Ron Curry said the state has reached various agreements during the negotiations, only to have them shot down by DOE officials in Washington. As a result, Curry announced last week that he plans to abandon those negotiations, putting the issue back in the courts.

"We believe that the state of New Mexico deserves a very prescriptive and intense cleanup order at Los Alamos National Laboratory," he said.

The Natural Resources Defense Council, a national nonprofit environmental group, applauded Richardson and the Environment Department for standing up to DOE. Staff attor-

ney Geoff Fettus said DOE is using cleanup funding as leverage to get states to lower their cleanup standards.

"It's a bribe, for all intents and purposes," Fettus said. "It's encouraging to see the state of New Mexico stand firm and not succumb to this."

Los Alamos lab spokeswoman Linn Tytler noted the Environment Department, under former secretary Pete Maggiore, signed an initial agreement regarding the accelerated cleanup proposal in 2002. The department changed its stance under the new administration, she said.

"We will continue to do what we can, but the withholding of funds is setting back our ability to meet that 2015 deadline," Tytler said.

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While professional home-sellers have access to sales information through listing services they subscribe to, assessors are typically barred from joining the same services.

Realtors. About a half-dozen states keep sales information provided to the government