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Feeling deterred lately?
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2.5 million drums worth of chemical and nuclear waste have been buried in Los Alamos so far. Millions more are yet to come. There is no permit, no closure plan, and no real cleanup requirements. Is the lab, then, above the law?

**Rally and Press Conference
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Ask Governor Richardson to enforce existing law at the lab and halt illegal nuclear waste disposal. Speak out against new factories for nuclear weapons "pits" in New Mexico. Adults and children alike are encouraged to attend and participate! For more information, call the Los Alamos Study Group at 505-265-1200 or visit www.lasg.org.

S.F. New Mexican 6/22/2003

Publication: Jnl Legacy 1995 to July 2005; Date: Jun 27, 2003; Section: Journal North; Page: 16



**Date:-06/27/2003 Section:-News
Edition:-Journal North Page:-1**

Anti-Nuclear Activists Want Dump Closed

Mark Oswald Of the Journal

Anti-nuclear activists Thursday called on Gov. Bill Richardson and Richardson's environmental regulators to take a stand against Los Alamos National Laboratory's nuclear and hazardous waste dump.

Representatives of the Los Alamos Study Group and other organizations, at a state Capitol gathering, said they want the Richardson administration to shut down the longtime nuclear waste site known as Technical Area 54, Area G.

"We've let it go on for too long," said David Bacon, who ran against Richardson as the Green Party's nominee for governor last year. "We have to insist as citizens that Area G gets taken on by the state of New Mexico to shut it down."

No comment was available from the Governor's Office Thursday.

Jon Goldstein, spokesman for the state Environment Department, said the department is "aggressively looking at oversight of pretty much every activity we can up at Los Alamos," including the dump.

"We're very interested in having Los Alamos be a good environmental citizen," Goldstein said.

Greg Mello, director of the Los Alamos Study Group, said Richardson was being asked to enforce environmental law by closing the dump and holding hearings on how to dispose of years of waste in Area G.

Mello also called on Richardson to take a position on production of plutonium "pits" -- essentially the triggers for nuclear bombs -- at LANL, which would generate more waste. The lab already is involved in pit production to some degree, but is under consideration as the site for a major new pit-making facility.

Mello said the story of the dump has not really been told and blamed a conspiracy of silence or complacency.

The study group and others have been pushing for years for closure of the 45-year-old dump, saying it has been illegal for at least 20 years. In 2001, the Attorney General's Office sent a letter to the Environment Department saying the dump was out of regulatory compliance.

Lab officials contend the dump, which features tents that contain drums of radioactive wastes, is safe. Critics disagree and say no one really knows everything that has gone into the dump over the years.

Last year, the Environment Department issued a broad cleanup order for LANL that has been tied up in litigation. Part of that order would direct the lab to address waste left in place at the lab, including the waste at the Area G dump, Goldstein said.

Mello said the order doesn't call for any study of closure of the dump or what to do about removing the waste.

Also Thursday, the activists delivered to the Governor's Office another 1,514 cans of food with labels to make them look like drums of nuclear waste. The cans serve as petitions, bearing the names of people who paid \$3 for each can and a letter calling for closure of the waste dump.

The study group previously delivered more than 2,000 of the cans to the Governor's Office under the administration of former Gov. Gary Johnson. The food in the cans is supposed to go eventually to the Food Depot, which helps the poor.

ABA JDL
7-10-03

Nuke Material Move On Hold

Cost Estimates Have Tripled

By ADAM RANKIN
Journal Staff Writer

An unexpected cost increase has temporarily put on hold the planned relocation of nuclear material from Los Alamos National Laboratory's Technical Area 18 to the Nevada Test Site.

The delay has critics of the Department of Energy and LANL worried that the relocation of the material, which they say is no longer fully secure at LANL, is being sabotaged.

Deputy administrator for defense programs Everet H. Beckner wrote in a June 20 memo that a new cost estimate for a building upgrade to the Device Assembly Facility in Nevada, which would house the material, is about \$210 million more than the original estimate of \$100 million.

"I consider the cost estimate for relocating these missions to the Device Assembly Facility excessive and unsupportable," Beckner wrote. "Since there is no reasonable explanation for this significant change, I am directing a temporary halt to all project work," with a few exceptions, he said.

National Nuclear Security Administration spokesman Bryan Wilkes said the memo signifies a "time out" to determine how the new value was established and what the best course of action will be.

"This figure was a little sur-

See **RELOCATION** on **PAGE 3**

Relocation of Nuke Material On Hold

from **PAGE 1**

prising. We are regrouping to determine the best course from here on out," he said, adding that moving the material to Nevada is still the preferred alternative.

"We are concerned about the materials, we are concerned about the security, we are concerned about the best place to hold TA-18 activities, but we are also concerned about taxpayer money," Wilkes said.

Aspects of the relocation that will continue include an independent project review and an assessment of why the new cost estimate deviates so substantially from the original, according to the memo.

DOE and the National Nuclear Security Administration, which oversees DOE nuclear weapons labs, announced in September in a

record of decision that they recommended moving the machinery and radioactive, weapons-grade nuclear materials to Nevada.

According to the decision, the move would begin in 2006 or 2007 and take about four years to complete.

Highly sensitive nuclear materials are stored and used at LANL's TA-18 for a number of purposes, including training nuclear arms inspectors and conducting criticality experiments, which initiate controlled nuclear chain reactions.

Critics, especially the Washington, D.C.-based Project on Government Oversight, have argued that the location of TA-18 at the bottom of a canyon make it especially susceptible to attack. POGO executive director Danielle Brian said recent mock attacks on the site

were unsuccessfully defended, indicating its vulnerability to infiltration by terrorists.

She said the "totally bizarre" cost estimate of \$310 million is "clearly a nefarious scheme to keep (the relocation) from happening."

She said two administrations have independently determined the best course would be to move the material out of TA-18, yet years have passed and no action has been taken.

Just last summer, then-jab director John Browne wrote Beckner to say LANL "agrees with NNSA that the best overall decision to meet the post Sept. 11th challenges for the long-term security of nuclear activities associated with TA-18" is to move the materials to the Nevada Test Site.

In NNSA's own assessment it determined "the TA-18 opera-

tions are located in a canyon which is difficult to secure, resulting in increasingly high costs to maintain a security infrastructure for the special nuclear materials used and stored at the site."

DOE recently estimated the cost of securing the site against attack at about \$12 million a year.

Beyond security issues, NNSA determined the age of the buildings — between 30 and 50 years — is another reason the most sensitive materials should be moved.

"DOE is unable to enforce or implement its own desires here," said Greg Mello of the Los Alamos Study Group. "I think it is very likely this is an attempt to sabotage what DOE is doing, just as there have been many other attempts before now."

Publication: Jnl Legacy 1995 to July 2005; Date: Aug 8, 2003; Section: Journal North; Page: 18



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Closure of Lab Nuke Site Urged

Journal Staff and Wire Reports

AROUND NORTHERN NEW MEXICO

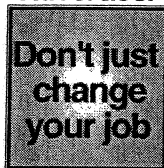
Nearly 50 businesses and nonprofit organizations have called for the closure of Los Alamos National Laboratory's "Area G" nuclear waste disposal site in a letter to Gov. Bill Richardson.

The letter, organized by the Los Alamos Study Group, follows a petition signed by 3,350 people urging the state to close the site.

"We hope that other nonprofits and businesses in New Mexico will join those who have stepped forward this week," said Study Group Director Greg Mello. "This is an age of political cynicism, but these organizations and businesses understand that only by our participation can we save our democracy."

The letter and the list of signatories is available online at www.lasg.org.

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Friday, October 17, 2003

LANL Retrieves Dumped PCB Oil

By Adam Rankin
Journal Staff Writer

Workers at Los Alamos National Laboratory extricated an improperly dumped metal drum from a deep disposal shaft at its radioactive disposal facility using a remote camera and a barrel grabber.

One quart of toxic, low-level radioactive solidified PCB oil was disposed of Sept. 10 at the bottom of a 40-foot shaft at LANL's Area G in Technical Area 54. It shouldn't have been.

Such hazardous chemicals need to be stored or incinerated at a licensed facility, not buried, LANL officials said.

As soon as LANL officials discovered the mistake on Oct. 10, they contacted the Environmental Protection Agency. The federal agency told them to remove the low-level radioactive PCB waste or face a stiff penalty.

The challenge was finding the PCB waste where people can't go— at the bottom of a deep disposal shaft loaded with low-level radioactive materials— and then retrieving it.

Area G in LANL's Technical Area 54 is at the top of environmentalists' hit lists as a waste cleanup priority. The Los Alamos Study Group, among others, has urged the state and federal governments to clean up the site, which opened as a nuclear and hazardous chemical waste dump in 1957.

As recently as June the group delivered more than 1,500 cans of food to the governor's office with labels that make them look like drums of nuclear waste and a petition underneath calling for the closure of the dump.

Lab officials contend the dump is safe, but environmentalists say Area G has been out of compliance with a 1980 federal law that requires dumps that dispose of chemical hazardous wastes to

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have a special permit.

LANL acquired a temporary permit, but withdrew its application in 1985 and began shipping its hazardous waste elsewhere.

The groups say years of chemical and transuranic waste are still buried at the site, even though the federal law requires chemical waste sites to be cleaned up or stabilized and transuranic waste to be shipped to the Waste Isolation Pilot Plant near Carlsbad.

Old chemical waste is the issue at Area G, so when LANL discovered new waste had erroneously made its way into the site officials moved quickly.

LANL spokeswoman Linn Tytler said that even before hearing back from EPA, workers had a remote camera down the 6-foot-wide shaft trying to find the 14-gallon barrel that held absorbent material surrounding a smaller container with the PCB oil.

By Thursday afternoon the workers spotted the metal drum and grabbed it. The job was made easier since the drum was the last item placed in the shaft, she said.

"They are happy as clams they got this thing," Tytler said. "They corralled it and we can now report to EPA that we got the job done."



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Publication: Jnl Legacy 1995 to July 2005; Date: Nov 7, 2003; Section: Journal North; Page: 4



**Date:-11/07/2003 Section:-News
Edition:-Journal North Page:-1**

Buried Nuke Waste A Mystery

Adam Rankin Journal Staff Writer

Report Asks DOE for Plans

A new report by an independent group of scientists revisits long-standing questions about the U.S. Department of Energy's plans for buried radioactive waste at Los Alamos National Laboratory and other nuclear weapons complex sites around the country.

The report, issued last week by the Environmental Evaluation Group, focuses on transuranic waste that the report says "seems destined" to remain buried at LANL and other DOE sites.

EEG is an independent technical advisory group for the Waste Isolation Pilot Plant near Carlsbad designed to store transuranic waste from around the country.

Transuranic waste refers to radioactive metals heavier than uranium that also can include other contaminated materials. Much of the wastes in question at LANL and elsewhere were buried before 1970.

Environmental groups and, more recently, the state of New Mexico have been pressuring LANL and DOE to figure out exactly what is buried there and to clean it up. The EEG report summarizes what little is known about various burial sites at LANL and briefly outlines DOE's failure to follow its own 1999 order to assess buried transuranic waste.

"The risk to human health and the environment that necessitates disposal of (transuranic waste) at the WIPP would seem to be similar regardless of the time period in which the waste was generated, either before or after 1970," the report states.

Larry Allen, the report's primary author, said EEG decided to write the report in preparation for a potential increase in transuranic waste shipped to WIPP as a result of pending lawsuits from host states and groups seeking to force DOE site cleanups.

Part of the problem is that neither DOE, nor LANL nor many of the other DOE sites, know how much waste, or what types of waste, are buried at various locations, he said.

"The question is what can DOE do to reduce the uncertainty, so they can make rational decisions about what to do with this stuff," he said. "It apparently has not been adequately characterized."

After reviewing the wide-ranging estimates of LANL's buried waste -- much of it in shallow, unlined pits or shafts -- the EEG report comes close to urging DOE to develop a comprehensive plan for both managing the waste on site and for exhuming a portion of it for proper storage at WIPP.

DOE's manager of the Los Alamos Site Office, Ralph Erickson, said the older, buried transuranic waste has been considered in programmatic reviews and risk analyses but doesn't top the list of priorities.

"Our main concerns are the 'quick to WIPP,' the higher-level, greater risk materials," that are currently being stored at LANL's Area G, he said, adding that he had not yet read the EEG report.

Acknowledging that much remains unknown about LANL's buried waste, Erickson said complex issues arise with attempts to move them to WIPP.

"You get into some serious safety issues when you try to exhume this... that can be greater than if you leave it where it is," he said.

But that approach has been repeatedly criticized by such groups as the Institute for Energy and Environmental Research -- a weapons complex watchdog group -- which claims DOE has de-prioritized buried waste in favor of dealing with the easier-to-access stored wastes.

Referencing the environmental documents that led to the creation of WIPP, which began operations in 1999, the EEG report points out the higher long-term risk for human and environmental health of leaving retrievable stored transuranic waste buried on site versus permanent disposal at WIPP.

The report also points out that alternatives to long-term stewardship of waste on site -- such as exhuming it, repackaging it and shipping it to WIPP -- "has been mostly forced by state governments... instead of DOE working with the states and stake holders."

Idaho and New Mexico are both in the midst of drawn-out lawsuits aimed at forcing DOE to first determine how much and what kind of wastes are buried on sites in their states, then clean it up.

State Environment Department Secretary Ron Curry said the "quick-to-WIPP" wastes are a legitimate concern but shouldn't outweigh the importance of legacy waste characterization and cleanup.

"There is always an excuse, always a reason why they can't characterize something," he said.

LANL and DOE officials at the agency's headquarters in Washington, D.C., have been negotiating the terms of a settlement order with Curry and NMED for more than a year, following the state environmental agency's finding of "imminent and substantial endangerment" to people and the environment in May 2002.

Curry said he expects negotiations to be finished by the end of the year. He and LANL officials said the negotiations are going well, but Curry said a lack of leadership by DOE on site at LANL has slowed progress.

"I just don't see that lack of leadership at Sandia (National Laboratories) or at WIPP," regarding environmental responsibilities, Curry said.

Local environmental and anti-nuclear groups praised the report for its directness.

Greg Mello of the Los Alamos Study Group said the report effectively raises the question, "If it is OK to leave (the waste at LANL), why do we need WIPP?"

He said the report shows how politically driven nuclear cleanup is, "rather than proceeding from any kind of consistent scientific basis."

Jay Coghlan, the executive director of Nuclear Watch of New Mexico, said the report "helps to throw light on some of the deceptive practices of DOE and LANL."

"Despite all their professed expertise in all things scientific, they don't know what they have buried, and furthermore, they don't demonstrate any willingness to find out," he said.

Publication: Jnl Legacy 1995 to July 2005; Date: Mar 20, 2004; Section: Journal North; Page: 74



Date:-03/20/2004 Section:-News Edition:-Journal North Page:-1

Deal Reached for LANL Cleanup

Adam Rankin Journal Staff Writer

* State, DOE agreement looks like draft order issued in 2002

ALBUQUERQUE -- Negotiators with the U.S. Department of Energy and the state's Environment Department have come to a nominal agreement over the future course of environmental work at Los Alamos National Laboratory after a deadlock of more than 16 months.

"All outstanding cleanup issues between the state and the Department of Energy have been resolved," Gov. Bill Richardson announced at a news conference here on Friday morning.

At the height of the disagreement, Richardson said he would "play hardball" with DOE to assert the state's position.

"It looks like hardball did pay off," state Environment Department Secretary Ron Curry said after the announcement.

State and DOE officials said they agreed to a draft cleanup order similar to one the state issued Los Alamos in 2002. The new draft order will be available for public review and comment beginning May 1.

"I assure you we are extremely committed to working within this agreement," said Inez Triay, one of the DOE negotiators.

Without it, Congress and DOE would have continued to withhold \$43 million in extra funding earmarked for accelerated environmental work at Los Alamos. Los Alamos was the only DOE site in the continental United States that did not have such an agreement. Similar agreements have freed up millions of extra federal dollars for more than a dozen sites nationwide.

With an agreement in place -- and only the proper signatures, review by the state's attorney general and public comment still to come -- more than \$200 million is free to flow into Los Alamos over the next decade for the accelerated work, which is to be done in addition to the regularly scheduled baseline environmental restoration.

"Personally, I feel proud that we didn't leave this in a position where we would be hung up for years," said Sen. Pete Domenici, R-N.M., adding he is pleased the agreement has cleanup milestones.

With an agreement in place, money will flow, creating jobs and ensuring that cleanup will finish 20 years early, he said.

Not present at the announcement was Sen. Jeff Bingaman, D-N.M., who along with Rep. Tom Udall, D-N.M., supported the state's firm position against DOE -- and called for the early release of the cleanup funds -- because the state's plans called for thorough investigations of undocumented, buried waste.

"This means that LANL will complete cleanup by 2015, which is very good news for our state,"

Bingaman said in a statement.

For more than a year, the state and DOE have wrangled over cleanup at Los Alamos. The state preferred its own version of cleanup and a "fence-to-fence" waste characterization plan that would be legally enforceable in federal court.

The DOE favored its "Performance Management Plan" which aimed to finish legacy waste cleanup by 2010 and environmental restoration by 2015, saving nearly \$1 billion and finishing 15 years early. It would not have been enforceable by the state, and state officials claimed DOE's plans would have left some waste untouched.

Sticking points during the negotiations included the state's insistence on an enforceable order, the rigidity and prescriptiveness of the state's plan and resistance to the state's attempt to gain authority over cleaning up radionuclides, which fall under federal jurisdiction.

The new agreement places authority of radionuclide waste with the federal government. DOE, in a separate agreement, has agreed to carefully monitor stored and buried radionuclide waste and to work cooperatively with the state to decide on any radionuclide cleanups deemed necessary, said Joe Vozella, an assistant DOE manager at Los Alamos.

He also said the investigative work required by the state, while still present, is no longer as rigid and allows for DOE-proposed alternatives, though the state retains final say.

The dispute, which as recently as January appeared to be headed to court, was resolved late Wednesday in a compromise that had politicians and state and federal officials praising a cooperative effort they say will protect the environment and human health but leaves environmentalists still disapproving.

"We're not celebrating here" because the agreement is too focused on investigating and characterizing waste, said Greg Mello, director of the Los Alamos Study Group, a laboratory watchdog.

"There is no actual cleanup in the order," he said.

While praising Richardson and Curry for "hanging tough" against DOE pressure, Jay Coghlan, director of Nuclear Watch of New Mexico, said "the next step is for the governor and the secretary to actually order tangible clean up, not just studies."

PHOTOS: Color

RICHARDSON: Announced agreement

DOMENICI: Pleased with milestones

Publication: Jnl Legacy 1995 to July 2005; Date: Mar 28, 2004; Section: Final; Page: 26



**Date:-03/28/2004 Section:-News
Edition:-Final Page:-B4**

Critics Say Lab Pact Missing Cleanup Clause

Adam Rankin Journal Northern Bureau

SANTA FE -- New Mexico and the U.S. Department of Energy may have struck a deal recently that will allow \$43 million in federal funding to flow into environmental programs at Los Alamos. But there is at least one item missing from the new agreement that previously played a prominent role in the state's attempt to force cleanup on its own terms.

That is the state Environment Department's finding, issued May 2, 2002, that legacy waste at Los Alamos may present an "imminent and substantial endangerment" to human health and the environment.

Laboratory watchdog groups also claim the agreement, which won't be available to the public until early May, is also missing any real cleanup requirements and instead focuses on producing risk reports and characterizing unknown waste.

Knowing that the U.S. Environmental Protection Agency considers that Los Alamos hosts more chemical and radioactive solid waste management units than any other facility in the country, the state's finding of "imminent and substantial endangerment" may not seem surprising. But to the laboratory and DOE, it was a big deal, because it set up important legal consequences.

Most significantly, the determination allowed the state to unilaterally file a corrective action order against Los Alamos late in 2002, requiring extensive "fence-to-fence" waste characterization and cleanup.

The DOE and University of California immediately challenged the finding.

First, they argued the state can't issue the determination of potential endangerment because it was based mostly on the release or discharge of radionuclides, over which the state has no legal jurisdiction.

They argued the state couldn't prove with any substantial evidence that legacy wastes posed an imminent threat and that the procedure for making the determination didn't even meet the state's own requirements.

Los Alamos County became concerned about the finding's implications when the County Commission learned the state might post warning signs around certain laboratory facilities.

Fearful the signs might cause unwarranted concern among the county's citizens, the commission, along with state Rep. Jeannette Wallace, R-Los Alamos, met with Richardson and New Mexico Environment Department Secretary Ron Curry, who assured them the signs wouldn't be posted.

"We decided to not put up the signs because of the concern it would hurt the entire community, not just the laboratory," Curry said.

He acknowledged the signs were "a little bit of a bargaining chip" in the disagreement with DOE.

But now, after about 16 months of closed-door negotiations, the state's finding of imminent and substantial endangerment is no longer necessary, following the agreement announced March 19 reached between DOE and the state.

"It is not so much that the finding of imminent and substantial endangerment was removed," explained NMED attorney Charlie de Saillan, as it is that the new consent order, agreed to by DOE, "is based on a different statutory provision, which doesn't require a finding of an imminent and substantial endangerment."

The order, which is a consent order because both DOE and NMED have agreed to it, is now under a different section of the state's Hazardous Waste Act, section 10, that doesn't give the state as much or as broad authority as it would have under section 13, as it was originally issued in 2002.

Curry said that is fine by the state because the new agreement is in the form of a legally enforceable document with stipulated penalties if DOE and Los Alamos fail to perform according to the agreement.

Furthermore, de Saillan said, the consent order also now includes a provision under the state's Solid Waste Act. That allows the state to include in the order a broader range of wastes, such as high explosives and perchlorate, that couldn't have been included originally.

So, does the state believe 60 years of legacy waste at Los Alamos still poses a threat to human health and the environment?

"I believe that the order will continue to demonstrate that those health concerns will show themselves in different ways," Curry said.

As far as DOE is concerned, waste at Los Alamos did not and still doesn't pose a threat.

"The bottom line is the department believes that the operations at Los Alamos National Laboratory have not contributed to an imminent or substantial endangerment," said DOE's Joe Vozella, assistant manager of facility operations at Los Alamos. "We are in the midst of a robust cleanup and now are on track to be done by 2015."

Despite the strong contention by both DOE and the state that the agreement, as Richardson said on March 19, "resolves all outstanding cleanup issues," Greg Mello of the Los Alamos Study Group -- a lab watchdog organization -- wonders how those claims can be made when the document that the agreement is based on isn't even public yet.

If the new agreement is largely based on the state's original corrective action order, as state officials have said, then Mello said it isn't going to require any real cleanup.

He said the original order did not have waste investigations that would address how cleanup should be performed; rather, they were designed to determine whether or how much waste should be cleaned up.

"NMED has not asked for a cleanup plan and has no plan; DOE does have a plan, which is not to clean up," he said.

NMED's de Saillan said the original state order does have provisions for cleanup, but they aren't detailed and don't make up the bulk of the order.

The reason, he said, is that much of the wastes still haven't been characterized and the public should have some input when it comes to deciding how cleanup gets done.

"If we were to build into the order detailed cleanup, we would prejudice the remedy before the public has had a chance to participate in the cleanup process," he said.

And, unlike the original order, the new consent agreement has enforceable deadlines for final implementations and remedies.

"The consent order goes a little further than what was in the unilateral order," he said.