

General

CCNS

Concerned Citizens for Nuclear Safety

For Immediate Release: July 24, 1997

Contact: Lee Lysne
505-986-1973

Independent Auditor Cancels LANL Audit because of DOE Interference

Concerned Citizens for Nuclear Safety takes DOE back to court for violation of Clean Air Act Settlement

Concerned Citizens for Nuclear Safety (CCNS) has taken the Department of Energy (DOE) back to court less than 6 months after a court approved Consent Decree settled a CCNS lawsuit directed at DOE violations of the federal Clean Air Act at Los Alamos National Laboratory (LANL). At issue is the settlement stipulation requiring that DOE/LANL submit to an independent audit by outside experts to determine whether LANL is in compliance with the Clean Air Act. The Consent Decree resulted from a law suit filed by CCNS to force LANL to monitor its radioactive air emissions in accordance with the law. CCNS President Caron Balkany said Dr. John Till, leader of the independent audit team, shut the project down because he would not cave in to lab demands that would have limited the scope of the audit. "The Consent Decree expressly prohibits DOE's interference with the independent audit," Balkany said.

CCNS's attorney, Carol Oppenheimer said, "The lab still thinks it is above the law. After 5 years of violating the Clean Air Act, it is still looking for loop holes to evade its legal obligations. This community and its citizens are entitled to the independent audit required by the Consent Decree and we intend to get it."

Oppenheimer today filed in court two motions directed to other actions by the lab. According to CCNS Executive Director Lee Lysne, "DOE is renegeing on its agreement to pay for CCNS to monitor the audit and has also refused to provide the proper radiation detection equipment for the equipment loan repository which was created for community use. The equipment the lab has purchased for public use will only detect contamination in the ambient air, not in soil, water or vegetation. This is totally unacceptable, particularly in light of new information released earlier this week by the New Mexico Environment Department DOE Oversight Bureau confirming that radioactive contamination has migrated off-site from the lab into surrounding areas. It is a sad state of affairs when citizens have to repeatedly sue the government to make them keep their promises."

LANL = AIR
DATA



FRIDAY, JULY 25, 1997

Feds Hindering LANL Review, Anti-Nuclear Group Charges

BY IAN HOFFMAN
Journal Staff Writer

The U.S. Department of Energy is thwarting a court-ordered independent review of Los Alamos National Laboratory's compliance with the federal Clean Air Act, an anti-nuclear group charged Thursday.

Radiation expert John Till, scheduled to start an independent check on the lab's compliance next week, has canceled his visit because of a dispute with local DOE officials.

A Santa Fe-based anti-nuclear group, Concerned Citizens for Nuclear Safety, is asking a federal judge to find the DOE in contempt of court over the dispute.

The DOE last year admitted 31 of 33 vents for radioactive contaminants at its weapons lab were not in compliance with the Clean Air Act, as CCNS alleged in a 1994 lawsuit.

The DOE contends the lab is now in compliance and, in a historic settlement in January, agreed to pay Till's firm, Radiological Assessments Corp., for independent audits to verify the compliance.

This week, however, the DOE's top local official insisted Till not evaluate the key agreement with the U.S. Environmental Protection

Agency that guides the lab's compliance with the act.

"This would clearly be outside the scope of the audit," G. Thomas Todd, chief of the DOE's Los Alamos Area Office, wrote in a July 21 letter to Till.

The Federal Facility Compliance Agreement between the DOE and the U.S. Environmental Protection Agency sets the rules for the lab's compliance with the act.

Caron Balkany, a lawyer and president of CCNS, chastised Todd on Thursday by saying his letter violates the court-approved settlement.

"It's supposed to be an independent audit," Balkany said. "Neither party, not CCNS nor DOE, is supposed to interfere. It also says the scope of the audit is up to the auditor."

The activist group suspects the EPA's agreement is too lax and is being used by the DOE and the lab as cover for not fully complying with the Clean Air Act.

"After five years of violating the Clean Air Act, it (the lab) is still looking for loopholes to avoid its legal obligations," said CCNS's attorney, Carol Oppenheimer.

Till could not be reached by

phone at his office or home in South Carolina.

Balkany said Till must review the federal compliance agreement to see whether its rules actually would bring the lab into compliance with the Clean Air Act.

"All he's saying is, I'm not going to have my hands tied in advance about it (the audit)," Balkany said.

CCNS also alleges the DOE is breaking other parts of the settlement, for example, by buying radiation-monitoring equipment for public loan that cannot detect radiation in soil, water or plants.

A DOE spokesman said the agency was "surprised" at Till's cancellation and the contempt motion.

"We believe we've been operating under the spirit of the (settlement), but we expect to contact him (Till) and work things out with him directly," said Greg Sahd, spokesman for the DOE's Los Alamos Area Office.

A lab spokesman, Jim Danneskiold, called CCNS's demands "unreasonable."

"We think it's good these issues are being brought before the court for resolution," he said.