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Amended complaint filed by the Regents of the University of California

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LOS ALAMOS, N.M. [REDACTED] Los Alamos National Laboratory officials announced today that an amended complaint has been filed by The Regents of the University of California challenging the finding of endangerment signed by New Mexico Environment Department Secretary Peter Maggiore on May 2, 2002 as well as additional regulatory actions taken by the Department that are based on that finding, its accompanying draft order or associated legal principles. The amendment was filed in federal district court in Santa Fe.

“We had hoped that additional court action would not be required,” said James L. Holt, Associate Director for Operations at Los Alamos National Laboratory. “We continued conversations with NMED officials in an effort to find reasonable middle ground that would allow expedited clean-up of legacy wastes throughout the Laboratory site.” Holt said, however, that NMED continues to issue directives reflecting provisions of the draft order and finding, including assumption of jurisdiction over materials — including radionuclides — reserved by federal law to the Department of Energy.

“NMED’s draft order would require expenditure of more than \$207 million without actually cleaning up any of the legacy waste sites,” Holt continued. “The Performance Management Plan

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developed by the Laboratory and approved by the Department of Energy, on the other hand, will allow completion of legacy waste cleanup by 2015, 15 years earlier than previous plans. We are continuing to implement that plan and effectively address environmental restoration.”

“Not only do we disagree with the finding of endangerment, we believe it is critically important that everyone understand our uncompromising commitment to the environment,” said Joseph Salgado, Principal Deputy Director at Los Alamos National Laboratory. “Every member of the Laboratory work force resides in the region and works diligently to ensure that nothing done at the lab could harm a neighbor or family member.”

Salgado reiterated the Laboratory’s commitment to clean air and water, environmental vigilance and responsibility, and continued cleanup of legacy wastes. “We share the interests of the Environment Department and New Mexico citizens, and will continue our efforts to reduce the Laboratory’s environmental impact,” Salgado concluded.

The amended complaint filed in federal district court claims, among others things, that NMED does not have legal authority to regulate activities or radioactive materials governed by the Atomic Energy Act, and that the determination of endangerment and the 2002 Installation Work Plan work schedule are invalid because they constitute prohibited regulation of activities and materials governed by the Atomic Energy Act. The amended complaint asserts that the endangerment finding is legally flawed and inconsistent with the weight of available data. The amended complaint also seeks temporary, preliminary and permanent injunctive relief to enjoin the department from using or taking action based on the finding or the draft order.

Los Alamos National Laboratory is operated by the University of California for the National Nuclear Security Administration of the U.S. Department of Energy and works in partnership with NNSA's Sandia and Lawrence Livermore national laboratories to support NNSA in its mission.

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Last Modified: Monday, 30-Sep-2002 14:24:17 MDT

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