

COMMITTEE TO BRIDGE THE GAP

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Court of Federal Claims Throws Out US Ecology Ward Valley Suit

Finds Former Interior Secretary Lujan Violated Restraining Order
Trying to Open Ward Valley in His Last Hours in Office in 1993

The Court of Federal Claims has dismissed a suit for damages by US Ecology, the company that had tried for more than a decade to open a nuclear waste dumpsite at Ward Valley, California.

US Ecology had argued that outgoing Interior Secretary Manuel Lujan, in the last hours of the Bush Administration, had "sold" Ward Valley to California for use as a radioactive waste facility, and that the Clinton Administration had failed to deliver the land.

The Court of Claims, however, ruled that Secretary Lujan violated a restraining order that had been issued by a federal judge at the time that blocked any actions in furtherance of the land transfer. As such, any effort to open Ward Valley was illegal and US Ecology is entitled to no damages, the court ruled.

"This is great news," said Daniel Hirsch, President of the Committee to Bridge the Gap that long fought the Ward Valley project. "US Ecology has now lost both federal suits it filed to force the opening of this ill-conceived, dangerous nuclear dump."

In 1997, US Ecology and then-Governor Pete Wilson filed parallel suits in the U.S. District Court and the Court of Federal Claims, both in Washington, D.C., aiming to force the transfer of Ward Valley to California or win damages. Last year, the District Court ruled for the U.S. Interior Department and the Committee to Bridge the Gap, an intervenor in the case, and against Wilson and US Ecology. Governor Davis, a long time dump opponent, announced he would not appeal, saying it was not worth pursuing this hotly controversial project. US Ecology, after saying it would also not appeal the District Court decision, nonetheless has. Appellate briefs in that case are due April 26. Now the Court of Claims has also thrown out the US Ecology/Wilson claims.

"This long controversy is almost completely and finally over," said Hirsch.

Ward Valley would have disposed of radioactive wastes, primarily very long-lived wastes from nuclear reactors, in unlined trenches 18 miles from the Colorado River.

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Copies of the Court's ruling are available upon request.