



New Mexico Environmental Law Center

**FOR IMMEDIATE RELEASE
WEDNESDAY, MAY 19, 2010**

10th CIRCUIT REFUSES TO REVIEW NRC DECISION

SANTA FE, N.M. – In a four sentence order yesterday, the 10th Circuit refused to review a panel decision in community members' appeal of the Nuclear Regulatory Commission's (NRC) decision to grant Hydro Resources, Inc. (HRI) a license to mine uranium in Crownpoint and Church Rock.

The Eastern Navajo Dine against Uranium Mining (ENDAUM), Southwest Research and Information Center (SRIC), and the New Mexico Environmental Law Center (NMELC) have been fighting the Nuclear Regulatory Commission (NRC) and Hydro Resources, Inc., for the past fifteen years demanding that they keep out of Navajo communities in New Mexico.

During the administrative proceeding where the NRC granted the license, ENDAUM presented convincing evidence that HRI's operations will contaminate large areas of groundwater, including the primary drinking water source for approximately 15,000 people in the Eastern Agency of the Navajo Nation.

ENDAUM argued that the NRC changed its interpretation of its regulations governing radioactive air emissions to accommodate HRI's operations, which would result in exposing Church Rock residents to levels of radiation in excess of regulatory limits. However, in March 2010, a three judge panel refused to overturn the NRC's licensing decision and on Tuesday, May 18 the full 10th Circuit refused to rehear ENDAUM's arguments.

"This is sad day for justice," said Eric Jantz, Staff Attorney at the New Mexico Environmental Law Center. Jantz represented ENDAUM in the NRC administrative proceeding and the 10th Circuit appeal. "The evidence was clear that wholesale groundwater pollution and radioactive air contamination will result from HRI's mining operations, but based on a legal technicality, the 10th Circuit has allowed this injustice to continue."

"Even though the 10th Circuit failed to be a check on the NRC's power," adds Jantz, "the community will not give up the fight – we're reviewing further legal options and will continue resisting HRI's proposed mines."



“It’s like a kick in the guts,” said ENDAUM member Larry King. “It’s a disappointing decision, but we’ll continue to oppose any new uranium mining in our community.”

“I’m very disappointed, but I think there are other ways to stop these mines.” says Mitchell Capitan, ENDAUM co-founder.

www.nmenvirolaw.org

The mission of the New Mexico Environmental Law Center is to protect New Mexico’s natural environment and communities through legal and policy advocacy, and public education. The New Mexico Environmental Law Center’s attorneys have handled over 100 critical cases in low-income and minority communities fighting pollution and environmental degradation. The Law Center charges few, if any, fees to its clients, most of whom are from Hispanic and Native American communities. The NMELC celebrated its 20th anniversary in 2008. Membership and gifts help New Mexico communities protect their natural environment and their health from toxic pollution, the degrading effects of growth and liabilities created by irresponsible mining. Contact: Sebia Hawkins, Director of Development 505-989-9022.

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INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST

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