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...*plus* International Nonproliferation Initiatives (*State, DoD, G-8, IAEA*) ♦ Uranium Enrichment

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At the Weapons Labs/DOE Sites

AT LOS ALAMOS STUDY GROUP FIGHTS MOTION TO DISMISS CMRR SUIT

Activists suing for a new environmental analysis of the National Nuclear Security Administration's proposed plutonium laboratory filed a motion Oct. 21 defending their action against a motion by federal officials claiming the suit should be thrown out. Attorney Thomas Hnasko, on behalf of the Los Alamos Study Group, argued in a 24-page motion that a new Supplemental Environmental Impact Statement now being prepared was inadequate given the substantial changes in the Chemistry and Metallurgy Research Replacement-Nuclear Facility (CMRR-NF), since the project's Environmental Impact Statement was completed in 2003.

The National Nuclear Security Administration launched the new supplemental analysis with mid-October scoping meetings in New Mexico (NW&M Monitor, Vol. 14 No. 43). But the Study Group argues that the process falls short of what is needed under the National Environmental Policy Act because of what the group says are substantial changes in CMRR-NF since the 2003 EIS and a 2004 Record of Decision were completed. The group would like a completely new EIS prepared and work to stop on the project.

Hnasko's motion also argues against the federal claim that a six-year statute of limitations on NEPA actions has run out, claiming the substantial changes in the project during the intervening years render such a claim moot. "The 2003 EIS concerned what amounts to a very different project, with much smaller environmental impacts," Hnasko argued. The Study Group has not said whether it will ask the court to halt work now underway, but both sides clearly have that possibility on their minds. Hnasko's brief pointedly mentions "283 employees or contractors ... now at work on the project," and argues that design work and site preparations now underway are being done without legally required NEPA coverage. The motion also notes the \$169 million for the project provided by the Continuing Resolution approved by Congress just prior to the end of the last fiscal year. Speaking privately, officials close to the project have begun building the case that any court action to halt work pending NEPA review would mean all those people would end up unemployed.