

# MONITOR

## NUCLEAR WEAPONS & MATERIALS

U.S. National Nuclear Security Administration ♦ Russian Ministry of Atomic Energy  
...*plus* International Nonproliferation Initiatives (*State, DoD, G-8, IAEA*) ♦ Uranium Enrichment

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### AT LOS ALAMOS . . . . . STUDY GROUP FILES FOR CMRR -NF INJUNCTION

Activists pushing for a new environmental analysis of Los Alamos National Laboratory's Chemistry and Metallurgy Research Replacement-Nuclear Facility project filed a motion in federal court Nov. 12 asking for an injunction stopping work on the project while the review is completed. The Los Alamos Study Group alleged in a suit filed last summer that the Environmental Impact Statement published in 2004 for CMRR-NF is inadequate because of major changes in the project since then, including new data on seismic risk that has significantly driven up the cost and scope of the project's construction. The National Nuclear Security Administration has agreed to complete a Supplemental Environmental Impact Statement, an update on the 2004 analysis, but the Study Group argues that a full EIS, including a review of alternatives, is required.

The group's motion calls continuing work on the project "one of the most massive and expensive violations of the National Environmental Policy Act ... that has ever been imposed on the American people." The problem, according to the Study Group, is that continued design work in Fiscal Year 2011 has the effect of prejudicing a decision. The National Environmental Policy Act "put simply, requires federal projects of this type, which have a significant impact on the human environment, to be preceded by an environmental impact statement." Continued spending while the environmental review is not yet completed renders the project "a fait accompli," the request for an injunction alleges.

#### Lawsuit Highlights Contradictions

The Study Group has exploited an apparent contradiction between federal officials' pronouncements in the litigation and their public statements in the run-up to Senate consideration of the New START treaty in the lame duck congressional session. In recent public statements, Administration officials have repeatedly expressed their commitment to building CMRR-NF, a side effect of the intense bargaining underway with Sen. Jon Kyl (R-Ariz.) and others in an attempt to win support for the Russian agreement. In that context, support for CMRR-NF is key to demonstrating commitment to nuclear infrastructure modernization. But in testimony submitted in connection with the Study Group's lawsuit, NNSA Defense Programs chief Don Cook repeatedly used caveats in his statements. For example, discussing the design work underway now, prior to completion of the Supplemental Environmental Impact Statement, Cook said "the design activities during this period will enhance our understanding of the requirements for the project and will save a substantial amount of time and taxpayer money in the event that construction ultimately goes forward."

Lab and National Nuclear Security Administration officials declined public comment on the filing, but privately suggested that as many as 300 contractors and lab employees might be out of work if an injunction is granted. There also are fears of delay in the politically sensitive project, which become one of the keystones in the Senate debate over whether to ratify the New START treaty.