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Bulletin #100

October 22, 2010

Study Group attorneys file response to DOE effort to quash lawsuit

DOE Secretary to initiate another new study of LANL nuke facility

Yesterday attorneys for the Los Alamos Study Group filed a [Response](#) (pdf) to the Obama Administration's motion to dismiss the Study Group's lawsuit, which requests a halt to further investment pending preparation of an applicable Environmental Impact Statement (EIS) for the proposed \$5+ billion plutonium facility at Los Alamos National Laboratory (LANL), called the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF).

That response lays out further bases, beyond those mentioned in the [Complaint](#) (pdf), for halting the project.

The case is being heard by the Honorable Judith Herrera of Federal District Court in Albuquerque.

The Study Group is being represented by Thomas Hnasko and his colleagues at Hinkle, Hensley, Shanor & Martin, LLP; Lindsay A. Lovejoy, and Diane Albert. This litigation would be impossible without their generous assistance, as well as that of Study Group donors and supporters.

In an important development, industry publication *Nuclear Weapons and Materials Monitor* has revealed today in an article written by veteran reporter Todd Jacobsen, that Secretary of Energy Dr. Steven Chu "is in the process of initiating his own independent study on the NNSA's two biggest construction projects." See the article [here](#) (pdf), reprinted by permission.

Vice President Biden, in a letter made public by the Senate Foreign Relations Committee earlier this month, has nevertheless promised the Administration's whole-hearted support for the CMRR-NF and a companion facility in Tennessee for manufacture of uranium warhead components. [Biden told senators](#) (see pp. 124-125) the Administration would be announcing further increases in the Administration's financial commitment to these projects and the National Nuclear Security Administration's (NNSA's) nuclear weapons program "in the fall." (*Nuclear Weapons and Material Monitor* broke that story, but to my knowledge it has not been in the mainstream media.)

Investments in CMRR-NF are intensifying. The Administration sought and received emergency increase in nuclear weapons spending on October 1, which includes an increase in annual spending from \$58 million to \$169 million on CMRR-NF.

Study Group Director Greg Mello: "We are pleased that Secretary Chu has recognized the need to re-study this facility, but greatly question whether a thoughtful review can be done in the advertised six weeks. We have already developed a set of reasonable alternatives to this facility and anticipate working productively with the review team and with Congress. What is needed for an objective review is a halt to further investments in the project. Likewise we need a *de novo* environmental review that analyzes 'all' reasonable alternatives to the project, as the law requires. The two go together -- again, as NEPA recognizes and requires.

"Nuclear laboratory unit costs in this proposed facility have risen by a factor of about 23 in this project since it was

first funded by Congress, and its mission is more dodgy than ever. We believe no part of this facility -- not the vault, not the additional labs, not the additional facility to prepare on-site subcritical nuclear testing to get around the Comprehensive Test Ban Treaty (CTBT) -- is remotely necessary or desirable to maintain the existing U.S. nuclear stockpile for the indefinite future, assuming that's the Administration's goal.

"CMRR-NF should not be desirable to weapons administrators because there are much better, less managerially risky, cheaper, and safer facility options for preserving U.S. nuclear weapons. To we who find nothing beneficial about nuclear weapons, it is a vast misdirection of resources, and a symbol of how dangerously perverted our priorities have become. It's too bad that the Obama Administration offered it up so readily to the most hawkish members of Congress in return for their possible vote on New START ratification.

"We now need a new 'bipartisan' consensus that wasting boatloads of money to create a facility to make plutonium pits we don't need -- and which, if made, would degrade confidence in the stockpile -- is a bad idea. The key is for the Administration to 'stop, look, and listen' before taking the plunge on this thing."

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