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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE LOS ALAMOS STUDY GROUP,)	
)	Case No. 1:10-CV-0760-JH-ACT
Plaintiff,)	
)	FEDERAL DEFENDANTS' OBJECTIONS
v.)	TO THE MAGISTRATE JUDGE'S
)	PROPOSED FINDINGS AND
UNITED STATES DEPARTMENT OF)	RECOMMENDED DISPOSITION
ENERGY, et al.)	[DKT. No. 25]
)	
Federal Defendants.)	
_____)	

On January 6, 2011, the Magistrate Judge recommended granting the Federal Defendants' Motion to Dismiss and dismissing Plaintiff's Complaint in its entirety based on the doctrine of prudential mootness. (Dkt. No. 25, ¶ 5). Federal Defendants note that the Magistrate Judge based his recommendation solely upon the doctrine of prudential mootness and did not address the other

grounds for relief raised in Federal Defendants' motion to dismiss. Dkt. No. 25, ¶¶ 4, 5; see Dkt. No. 9, at 9-24 (asserting that some of Plaintiff's claims are time-barred; Plaintiff's claims are not ripe for review; and Plaintiff's claims are moot). The other grounds raised in Federal Defendant's motion to dismiss provide additional, alternative grounds for the Court to dismiss Plaintiff's Complaint.

Upon review of the Proposed Findings and Recommended Disposition, Federal Defendants observed two minor inaccuracies that warrant correction but do not affect the outcome of the findings or recommendation. First, the Magistrate Judge found that the Chemistry and Metallurgy Research ("CMR") Building was almost 60 years old in 2002. Dkt. No. 25, ¶ 6. The CMR Building was almost 60 years old in 2010, not 2002. See Declaration of Donald L. Cook (hereinafter, "Cook Decl."), Dkt. No. 9-1, ¶ 6. Second, the Magistrate Judge found that Plaintiff Los Alamos Study Group wrote to Federal Defendants Department of Energy and the National Nuclear Security Administration ("DOE/NNSA" or "NNSA") on July 1, 2010, to express concerns about the cost and adequacy of NNSA's analysis under the National Environmental Policy Act ("NEPA") of the CMR Building's proposed replacement, the Chemistry and Metallurgy Research Replacement Nuclear Facility ("CMRR-NF"). Dkt. No. 25, ¶ 11. Plaintiff's July 1, 2010 letter expressed concerns about the cost of the CMRR-NF and the adequacy of Federal Defendants' NEPA analysis, not the cost of the NEPA analysis. See Cook Decl., ¶ 15; see also Complaint ("Compl."), Dkt. No. 1, ¶¶ 15, 16; Affidavit of Gregory Mello, Dkt. No. 10-1, ¶ 26.

Federal Defendants wish to correct these two minor factual inaccuracies so that the District Court can be fully informed in its review of the Magistrate Judge's Proposed Findings and Recommended Disposition, which are well-reasoned and should be adopted.

Respectfully submitted on this 20th day of January, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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