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Issue Is Appealed In Park Route Fight

Mrs. Sunshine K. Snyder, one of the original plaintiffs in the Overton Park expressway case, yesterday asked the Sixth United States Circuit Court of Appeals to grant a summary judgment applying the National Environmental Policy Act (NEPA) to the suit.

United States Dist. Judge Bailey Brown on June 24 denied the plaintiffs' motion to apply the ecological act to the case on June 24. "It appears to the court," he said, "that by the time NEPA became effective on Jan. 1, 1970, this project had proceeded too far for NEPA to be applicable."

Mrs. Snyder then asked that Judge Brown certify the June 24 ruling as a final judgment, allowing her to appeal, or, alternatively, rule that NEPA is an overriding legal issue, which would allow her attorneys to sever that issue for appeal. He denied both requests.

Michael Lackner and Paul Henry Kidd, Mrs. Snyder's attorneys, last week filed a motion with the appeals court asking for an injunction to halt construction of the expressway from Bon Air to White Station Road.

The attorneys said in yesterday's motion to the appeals court that Judge Brown "abused his discretion in denying Mrs. Snyder's motion to amend the complaint."

They said work on Interstate 40 has not yet approached closer than a mile on either side of the park. "There is nothing in NEPA's legislative history to suggest that any major federal actions, however long ago contemplated and however related to previously taken federal actions, are exempt from NEPA."

C.A.

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