

**From:** Kevin Kamps <kevin@beyondnuclear.org>  
**Sent:** Saturday, June 27, 2020 9:18 PM  
**To:** Holtec-CISFEIS Resource  
**Subject:** [External\_Sender] Beyond Nuclear public comment #7, re: NRC's Holtec/ELEA CISF DEIS, Docket ID NRC-2018-0052

Dear NRC Staff,

This proposal is a severe violation of environmental justice. Holtec is targeting southeastern NM, where many of the surrounding communities in the area are majority Hispanic, or close to it. The Mescalero Apache Indian Reservation (itself previously targeted for a CISF, first by the U.S. Department of Energy Nuclear Waste Negotiator, and then by Private Fuel Storage, LLC, its container-provider none other than Holtec!) is not far away.

While a lot of money has been made in the Permian Basin from fossil fuel and nuclear industries, that wealth is not equitably distributed nor shared with the local population. Thus, any shenanigans involving average, median, or mean wealth levels in the area are inappropriate. There are serious pockets of poverty throughout the southeastern New Mexico region, and the rest of the state as a whole. In fact, New Mexico ranks towards the very bottom of all 50 states in numerous demographic measures of health, wealth, education, etc.

Thus, there are very significant environmental justice issues involving low income and/or people of color communities in southeastern NM being targeted for this dump.

[As shown by a remarkable map by Deborah Reade of Santa Fe, NM, southeastern NM, and the rest of the state, bears a tremendous pollution burden from these fossil fuel \(concentrated in the Permian Basin, in NM's southeastern corner\) and nuclear \(throughout NM, but with a particular concentration of significant polluting facilities in/near the southeastern corner\) and other hazardous industries.](#)

See this map posted online here:

[http://static1.1.sqspcdn.com/static/f/356082/28292760/1588368272923/2020-ThreatsMap\\_11x17-v2.pdf?token=oopcheAXONZota6%2Bd%2FqgHb87tEM%3D](http://static1.1.sqspcdn.com/static/f/356082/28292760/1588368272923/2020-ThreatsMap_11x17-v2.pdf?token=oopcheAXONZota6%2Bd%2FqgHb87tEM%3D)

It is entitled "Water, Air, and Land: A Sacred Trust."

Focusing just on southeastern NM, the map shows the following dirty, dangerous, and expensive nuclear industries present:

*Waste Control Specialists (Texas dump) and proposed spent fuel rod storage site (the already present WCS dump is a national dump-site for so-called "low" level radioactive waste; its sibling irradiated nuclear fuel CISF would hold up to 40,000 metric tons of highly radioactive waste);*

*Eden radioisotopes (proposed reactor);*

*URENCO USA (uranium enrichment plant)* -- this was stopped in Louisiana, and Tennessee, in the 1990s and early 2000s, due to its environmental justice violations, but unfortunately was rammed through, including by NRC rubber-stamp, despite best efforts by a broad environmental and environmental justice coalition, to stop it;

*Waste Isolation Pilot Plant (dump)* -- WIPP had a supposedly impossible leak to the environment on Valentine's Day 2014, leading to a three-year shutdown, and \$2 billion in recovery costs -- nearly two-dozen workers at the surface were exposed to ultra-hazardous alpha radiation inhalation doses, as are countless residents downwind, as plutonium and other trans-uranic pollutants are very long-lived hazards -- the highly controversial WIPP site was widely resisted in NM -- it is the only geologic repository for radioactive waste in the country -- a promise was made at the time of WIPP's opening, that if NM took military plutonium and TRU disposal at WIPP, the state would not be targeted for high-level radioactive waste disposal or even storage in the future -- the Holtec/ELEA CISF scheme breaks that promise;

*International Isotopes (DU hexafluoride de-conversion facility--on hold)* -- but the risk of its actual construction and operation is yet another potentially foreseeable cumulative impact that must be accounted for.

*Gnome-Coach Experimental Test Site* -- an underground nuclear weapon detonation!;

and of course the *Holtec International proposed spent fuel rod storage site* -- the subject of this very DEIS.

That is just in southeast NM, or immediately on the border in Texas. The Interim Storage Partners/Waste Control Specialists CISF should be included in this EJ analysis, and otherwise in the DEIS, as the two CISFs would be only 39 miles apart (this distance according to Holtec CEO Krishna Singh, at his license application unveiling press conference on Capitol Hill in early April 2017; this DEIS says 45 miles apart). So should the WCS national "low" level radioactive waste dump. In fact, the largely Hispanic community of Eunice, NM is only about five miles from WCS, TX. It is the nearest town. And certain surface, and perhaps even ground, water flow pathways, flow back into NM from the WCS, TX site.

Just the list above represents a tremendous nuclear pollution EJ burden for southeastern NM. The Holtec/ELEA (and ISP/WCS) would represent a major additional nuclear pollution and risk burden, on top of what is already borne by the low income and/or people of color communities in southeastern NM.

Of course, southeastern NM is also burdened with a very large fossil fuel pollution burden, as the map also shows. The Permian Basin oil and gas fields are the busiest/most concentrated in North America, and the second busiest/most intensive in the world, after only the Middle East. This is an additional, major EJ burden on southeastern NM.

But, as the map shows, the list of historic and still ongoing nuclear abuses of NM.

*Los Alamos National Laboratory* has been making a large-scale, concentrated radioactive and toxic chemical mess of its neighborhood since 1943. This is especially an EJ burden for the Pueblo Indian communities listed on the map, Los Alamos's neighbors who have lived there since time immemorial, long before 1943. Nowadays, as with the Trump administration proposal to expand plutonium pit production at Los Alamos for new nuclear weaponry, the nuclear abuses continue and expand there.

As shown on the map, the smoke plumes from the Cerro Grande Fire (May 2000) show the not only New Mexicans, but even people in other states downwind, were exposed to radioactive (including plutonium) and toxic fallout and inhalation doses. And the *Las Conchas Fire boundaries* (June 2011) shows that such risks continue, and worsen, in an age of global warming mega-droughts in NM.

The *Trinity Test Site* (first nuclear explosion), which occurred on July 16, 1945, haunts the Tularosa Basin Downwinders Consortium, 75 years later. They have never been compensated for their suffering and losses, as documented at their website:

<<https://www.trinitydownwinders.com/>>

*Sandia National Laboratories*, and *Kirtland Airforce Base's Kirtland Underground Munitions Storage Complex* (1,900+ nuclear weapons) also puts Albuquerque at risk. The *Mixed Waste Landfill* puts Albuquerque's drinking water supply at risk.

Then of course, there is the uranium mining and milling region of northwestern NM, and the Four Corners area. This is of course a largely Native American region, including the Navajo/Diné, numerous Pueblo Indian tribes, and even Utes, as in Colorado. As the map lists, there are a large number of nuclear pollution sources just in this quadrant of NM:

*Shiprock Mill and Disposal Cell;*

*Ambrosia Lake Mill and Disposal Cell;*

*UNC (United Nuclear Corporation) Mining and Milling, Church Rock Mill* -- Church Rock was the scene, on July 16, 1979, of one of the worst radiological releases in U.S. history, when an earthen dam failed, releasing a large amount of radioactive and toxic uranium mill liquid waste into the Rio Puerco River, which traditional Navajo/Diné shepherds utilize for drinking and irrigation water (note that this marks the second mention of a nuclear disaster in NM that has happened on July 16th -- along with the Trinity blast, above; NRC's choice of July 16, 2018, to docket the Holtec/ELEA CISF application for licensing, and announce it in the Federal Register, marked a ghoulish new low of tone deafness and lack of compassion at the agency, itself an EJ violation);

*(Quivira) Ambrosia Lake Mill & Disposal Site 2;*

*Phillips Mill;*

*Homestake/Barrick Gold [and Uranium] Mining Company Mill & Disposal Site;*

*(SOHIO) LBAR Mill Site;*

*Jackpile Mine;*

*Cebolleta Project (mines and mill);*

*Anaconda/ARCO Bluewater Mill & Disposal Site.*

The open pit uranium mine located on the Laguna Pueblo is the largest on the planet. Its downwind and downstream pollution emissions have harmed the Laguna Pueblo, its immediate neighbors, as well as others downwind and downstream.

And as if the nuclear detonation site in southeastern NM was not enough abuse, there is also one in northern NM -- the *Gasbuggy Experimental Test Site*.

The Ute Mountain Ute tribe is mentioned in the extreme northwestern quadrant of the map. The Ute Mountain Ute have the dubious distinction of "hosting" (unwillingly) the White Mesa uranium mill, a highly polluting radioactive facility where many nefarious activities take place (radioactive waste "processing," storage, and even disposal, done under the supposed excuse of uranium extraction from waste streams imported from across the continents, and perhaps even overseas).

As I mentioned during my oral comments on the NRC webinar/call-in on June 23, 2020, such a list as the one depicted on the map above is nothing short of nightmarish. It represents a health, safety, environmental, and economic catastrophe for the indigenous peoples of NM, as well as other low income and people of color communities in the Land of Enchantment.

NM has already suffered a bad enough nuclear nightmare since 1943, one that continues to the present day. The Holtec/ELEA CISF (and the ISP/WCS CISF, for that matter) represent the straw that breaks the camel's back -- one more nuclear abuse and EJ violation too many.

Of course, as the map also shows, NM has suffered not only a nuclear nightmare. The fossil fuel pollution in the northwestern quadrant of NM is also concentrated and severe.

Just one more recent example of the eco-disasters this area has suffered includes the Gold King Mine toxic waste water release of 2015, epicentered near Silverton, CO. It was caused, ironically enough, by human error perpetrated by none other than the U.S. Environmental Protection Agency, and its contractor, Environmental Restoration LLC of Missouri.

The trickery employed in Holtec's Environment Report and NRC's DEIS, in order to find no EJ impact, is to only compare southeastern NM (and only out to a radius of 50 miles from the Holtec CISF site, at that), with the rest of the State of NM. **But of course, comparing s.e. NM near Holtec to the country as a whole, would show a much greater concentration of Hispanics and Native Americans, than is typical of the rest of the country as a whole.** NRC's 50-miles out from Holtec's CISF radius focus, and then only in comparison to the rest of the State of NM, blinds it to the bigger picture of the country as a whole. Combined with the fact that NM as a

whole ranks towards the very bottom of all 50 states on many socio-economic indicators, NRC's willful blindness to the EJ impacts of the Holtec CISF proposal is an outrage. NRC's own behavior is an EJ violation, as is Holtec's CISF proposal to begin with!

This is further underscored by the experience of Alliance for Environmental Strategies in the NRC ASLB licensing proceeding in this very case. AFES is a largely Hispanic EJ group in s.e. NM. It intervened against the Holtec CISF, raising EJ contentions. Incredibly, the ASLB and NRC never even clearly acknowledged or recognized AFES's legal standing to bring such contentions. But both ASLB and NRC did reject AFES's EJ contentions outright -- the supposed excuse for not having to ruling on AFES's legal standing. Such ASLB and NRC behavior is, in itself, a blatant EJ violation, on its face!

It is worth noting that Holtec's previous attempt at a CISF was targeted at the Skull Valley Goshutes Indian Reservation in Utah. Holtec would have been the container supplier -- 4,000 Holtec containers, to "temporarily store" 40,000 metric tons of irradiated nuclear fuel at the surface. A consortium of a dozen nuclear power utilities comprised Private Fuel Storage, LLC (PFS). Despite opposition by traditional Skull Valley Goshutes, such as Sammy Blackbear, as well as Margene Bullcreek, leader of Ohngo Gaudadeh Devia Awareness (or OGD Awareness, Goshute for "Mountain/Timber Setting Community"), a grassroots group of traditional tribal members opposed to the dump, the PFS license was rubber-stamped in the end by NRC. When that happened, flying in the face of opposition not only by the State of Utah, and a coalition of nearly 500 environmental and environmental justice organizations across the country, I dubbed NRC the Nuclear Racism Commission. These strong words were justified, for NRC had just commissioned a radioactively racist facility, committing a severe environmental injustice. More information on the ultimately successful resistance to the PFS dump is posted on-line here: <http://archives.nirs.us/factsheets/pfsejfactsheet.htm>.

In fact, before PFS targeted the Skull Valley Goshutes for a CISF, it had targeted the Mescalero Apache in southeastern NM. This followed the U.S. DOE Nuclear Waste Negotiator's own concerted but unsuccessful targeting of both Mescalero Apache, NM as well as Skull Valley Goshutes, UT for a CISF. Such shameful environmentally racist targeting of Native American reservations for CISFs is also documented at the website link provided immediately above.

NRC should engage, or be complicit, in no more such environmental injustice and radioactive racism, such as the Holtec/ELEA CISF.

These comments are made on behalf of our members and supporters in NM, and across the country along impacted transport routes (another aspect of EJ burden associated with this scheme).

Please acknowledge receipt of these comments. Thank you.

Sincerely,

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Beyond Nuclear aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abolish both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic.

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