

**From:** garretthadden@gmail.com <info@sg.actionnetwork.org>  
**Sent:** Thursday, September 17, 2020 9:58 PM  
**To:** Holtec-CISFEIS Resource  
**Subject:** [External\_Sender] Docket ID NRC-2018-0052 Draft Environmental Impact Statement Comment

Commissioners and Staff,

Dear NRC Commissioners and Staff,

This public comment is in response to the Draft Environmental Impact Statement (Docket ID NRC-2018-0052) regarding Holtec International's application for a license to build and operate a "Consolidated Interim Storage Facility for Spent Nuclear Fuel and High Level Waste" (NUREG-2237).

I oppose Holtec's proposal and ask that the NRC halt its licensing in order to protect public health and safety, the environment and our economy. It appears from Draft Environmental Impact Statement and other license documents that there would be no dry cask transfer facility at the proposed site, which means there would be no way to repackage waste. The site is not designed for long term disposal, but a dangerous de facto permanent site could result if waste casks or canisters are damaged or corroded and cannot be moved.

Consolidated Interim Storage in Texas is also unacceptable. I support and adopt the comments raised by the Nuclear Issues Study Group based in Albuquerque, New Mexico, which are as follows:

#### 1) New Mexico Does Not Consent

The motto of the Nuclear Regulatory Commission is "Protecting People and the Environment," yet the NRC's Draft Environmental Impact Statement (DEIS) on the Holtec project does neither. Instead, the NRC's inadequate draft EIS puts people, wildlife and precious water resources at significant and potentially, deadly risk by failing to heed the concerns of the community. We join the All Pueblo Council of Governors, New Mexico Governor Michelle Lujan Grisham, New Mexico State Land Commissioner Stephanie Garcia

Richard, more than a dozen county and city governments, the Alliance for Environmental Strategies, the New Mexico Cattle Growers Association, the Permian Basin Coalition of Land & Royalty Owners and Operators, the Nuclear Issues Study Group, and the more than 30,000 residents who commented during the 2018 scoping period in vehemently opposing bringing the nation's high level radioactive waste from nuclear power plants to our communities. We do not consent to becoming a nuclear wasteland for millions of years.

## 2) Cumulative Impacts

The DEIS is inadequate because it fails to consider cumulative impacts from the damage the nuclear industry has already inflicted on New Mexicans for the past 75 years: uranium mining and milling in the northwest on indigenous Diné and Pueblo lands, including the 1979 Churchrock Disaster; radioactive contamination to Tewa lands and people from the Manhattan project in the Los Alamos area; fallout on downwinders from the Trinity Test in the Tularosa basin; the Waste Isolation Pilot Plant, which has already accidentally released dangerous amounts of radiation and now wants to expand; the URENCO uranium enrichment plant in Eunice; the world's largest nuclear warhead stockpile on the edge of Albuquerque; and the toxic threat to Albuquerque's aquifer by the Mixed Waste Landfill.

Rather than adding 173,600 metric tons of high level radioactive waste to a state that has already been grossly overburdened, the United States should be directing its resources towards cleaning up the contamination already present in our communities, just compensation, and holistic community health studies. The DEIS also fails to account for cumulative impacts from the other proposal for Consolidated Interim Storage, approximately forty miles east at the current Waste Control Specialists low-level radioactive waste site.

## 3. Environmental Racism

It's no coincidence that the United States wants to make New Mexico a nuclear wasteland. It ranks as one of the poorest states and is a majority minority state, with more Black, Indigenous, People of Color (BIPOC) residents than white residents. For the NRC to

determine that nuclear waste which will threaten life for millions of years would have “small” or “no environmental impact” is a blatant violation of environmental justice principles and is environmental racism in action. We do not give our own government license to allow a private industry to further contaminate our home or to expand the massive nuclear burden we already bear.

#### 4. Threats to Cultural Properties & Historic Sites

Holtec International and the NRC would have us believe that the site is a desolate, uninhabited place with “no historic value or significance.” This statement is completely false and without merit. The site is located near or on two lagunas or playa lakes: Laguna Gatuna and Laguna Plata. Lagune Plata is an archaeological district that has been extensively studied for decades. Two sites near Laguna Gatuna, where the nuclear waste is proposed to be stored, are listed on the National Register of Historic Places. Archaeologists have found a plethora of evidence of the Jornada Mogollon people, dating from 200 AD, 700 AD, and 1200 AD. More than 200 archeological sites are located within six miles of the proposed nuclear waste dump. Laguna Gatuna, while often dry, fills with water after monsoon rains, attracting a variety of wildlife and hunters for millenia. The Hopi and Mescalero Apache nations have identified the area as culturally significant to them, and the Hopi nation has informed the NRC that traditional cultural properties could be adversely affected if this project proceeds. The site where Holtec wants to dump tens of thousands of tons of radioactive waste has profound historic value and significance.

#### 5. Threats to Water & Wildlife

The impact of this forever deadly nuclear waste would have devastating consequences on wildlife including threatened species that rely on the lagunas for drinking water and surrounding area as a critical habitat, including the Lesser Prairie Chicken, and the Dune Sagebrush Lizard. Agencies such as U.S. Fish & Wildlife, New Mexico Game & Fish, the Environmental Protection Agency (EPA) and New Mexico Environment Dept (NMED) have all gone on record attesting to the significance of Laguna Gatuna for migratory birds, and have argued that it should be designated permanently as a Water of the United States (WOTUS),

which would make it eligible for protection under the Clean Water Act.

#### 6. Threats from Transporting Irradiated Nuclear Fuel

Not only New Mexico would be adversely impacted by the Holtec project: all communities along the transportation routes between nuclear power plants and the Holtec proposed site would be threatened by radiation from the rail cars, and from the devastating financial and environmental damage if an accident or act of malice should occur. Studies have shown that one accident is likely to occur for every 10,000 shipments. It is irresponsible and dangerous for NRC to avoid inclusion of these mammoth risks and liability in its DEIS for Holtec's application.

#### 7. Holtec's Project is Illegal

Finally, under current U.S. law, this project is illegal. The Nuclear Waste Policy Act of 1982, as amended, does not allow the federal government to take title to the high level radioactive waste until a permanent geologic repository is operating. So the federal government cannot pay for transportation and storage of the waste as Holtec wants. The license cannot be issued until either a permanent repository is operating, or U.S. law is changed. For all the above reasons and more, I declare that the DEIS for Holtec's application is inadequate and further that the license for a high level radioactive waste storage facility should be denied. In conclusion, high level nuclear waste from nuclear power plants around the U.S. should not be brought to New Mexico—it should be isolated on or near the current site until there is an environmentally just and scientifically sound option available.

Sincerely,

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