## New Mexico is NOT a Nuclear Wasteland



Leona Morgan, Nuclear Issues Study Group leona.morgan.nm@gmail.com 505-879-8547 RHMC Meeting, Santa Fe November 4, 2019

## **Nuclear Colonialism**

...is the systematic dispossession of indigenous lands, exploitation of cultural resources, and the subjugation and oppression of indigenous peoples to further nuclear production of energy and proliferation of weapons from uranium mining, uranium processing, weapons testing, and waste storage, resulting in the destruction of indigenous peoples and cultures and creation of National Sacrifice Zones.

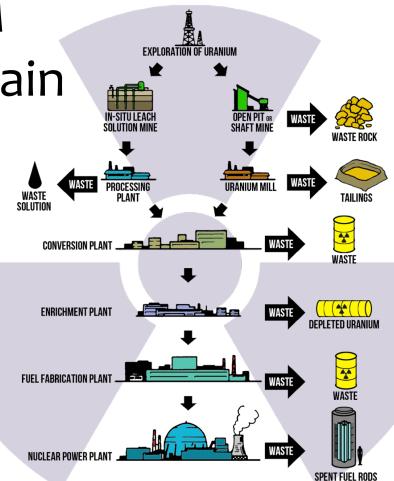
#### Sources:

<sup>&</sup>lt;sup>1</sup>Nader & Gusterson, Half Lives and Half Truths

<sup>&</sup>lt;sup>2</sup>Compilation of Definitions of Nuclear Colonialism from LaDuke, Churchill, and Benally

# Contamination in NM from Nuclear Fuel Chain

- Legacy of Uranium Mining & Milling
- Uranium Enrichment (Urenco)
- Testing of First Atomic Bomb (Trinity)
- DU Experimentation (NM Tech)
- 2 National Weapons Labs (LANL, SNL)
- Deep Geological Repository for Transuranic Wastes (WIPP)
- Low-Level Waste nearby (WCS)
- Other Sites (UNM, Buggy Explosion, et al)
- Proposed CIS and Possible Reprocessing?
- NO COMMERCIAL NUCLEAR POWER PLANTS



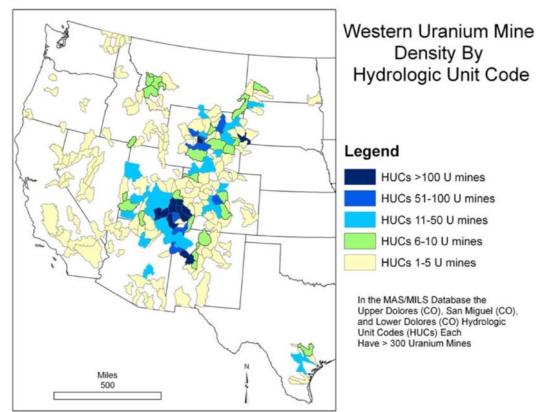
# Abandoned Uranium Mines (AUMs)

# U.S. Environmental Protection Agency (EPA) estimates<sup>1</sup>:

- 15,000 U mine locations in 15 western states (most in CO)
- 75% of those on federal and tribal lands

# U.S. Department of Energy (DOE) estimates<sup>2</sup>:

- 4,225 defense-related U mines
- Approximately 11% of the 4,225 mines are on tribal lands and other areas where poverty, linguistic isolation, limited educational opportunities, and other factors contribute to increased vulnerability to pollution.



#### Sources

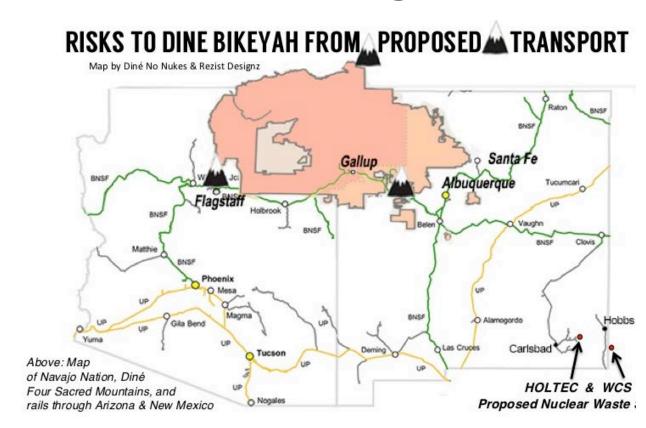
Map: https://www.epa.gov/sites/production/files/2015-05/documents/402-r-05-009.pdf

¹https://www.abandonedmines.gov/wbd um.html

<sup>&</sup>lt;sup>2</sup> https://www.energy.gov/lm/articles/working-group-addresses-abandoned-uranium-mines

# Navajo Nation Sovereignty

- Diné Natural Resources
   Protection Act, 2005
- Radioactive Materials
   Transportation Act, 2012
- Declarations on the Rights of Indigenous Peoples
  - United Nations, 2007
  - Organization of American States, 2016
  - Article XXII. Indigenous law and jurisdiction
- Protection of health of people, elements, Sacred Places, future generations



# Organization of American States Declaration on the Rights of Indigenous Peoples (Adopted June 15, 2016)

#### AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

(Adopted at the third plenary session, held on June 15, 2016)

#### THE GENERAL ASSEMBLY,

RECALLING the contents of r Declaration on the Rights of Indigenous F

RECALLING also the "Declar Americas," document AG/DEC. 79 (XL effectively protecting the rights of the Organization of American States;

RECOGNIZING the valuable su organs, agencies, and entities of the Or Working Group to Prepare the Draft Ame

RECOGNIZING as well the important the process of preparing this Declaration;

TAKING INTO ACCOUNT the Americas have made to humanity,

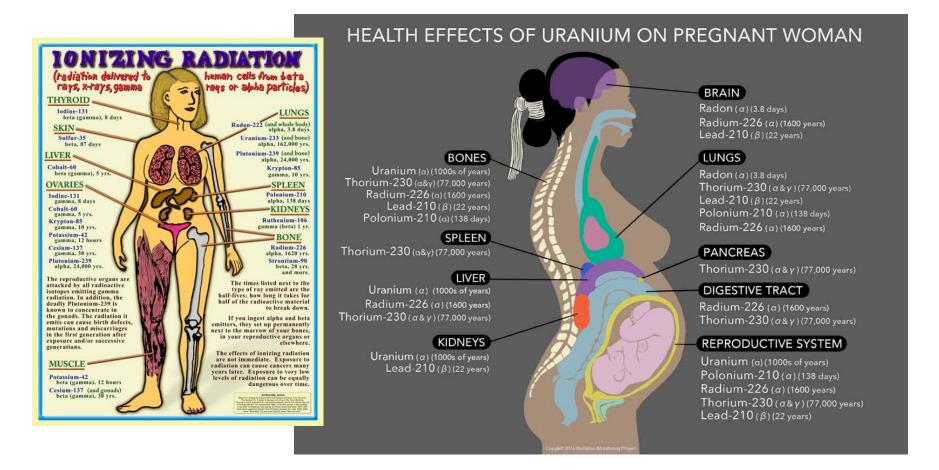
#### RESOLVES:

To adopt the following Draft Am

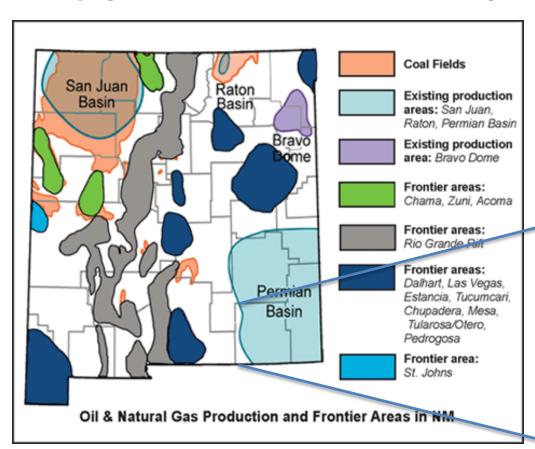
#### Article XXII. Indigenous law and jurisdiction

- 1. Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- 2. The indigenous law and legal systems shall be recognized and respected by the national, regional and international-legal systems.
- 3. The matters referring to indigenous persons or to their rights or interests in the jurisdiction of each state shall be conducted so as to provide for the right of the indigenous people to full representation with dignity and equality before the law. Consequently, they are entitled, without discrimination, to equal protection and benefit of the law, including the use of linguistic and cultural interpreters.
- 4. The States shall take effective measures in conjunction with indigenous peoples to ensure the implementation of this article.

### Radiation Affects Women & Children the Most



### Southeast NM is not suitable for CIS



- Already Overburdened Area
- Permian Basin
- Sinkhole in Carlsbad
- Recent Tornado
- Lack Emergency Preparedness



## Community Opposition to CIS

#### New Mexico

1.	Lake Arthur	09/07/17
2.	Albuquerque	05/21/18
3.	Jal	05/29/18
4.	Bernalillo County	06/12/18
5.	Las Cruces	07/23/18
6.	Santa Fe County	09/25/18
7.	Gallup	09/25/18
8.	McKinley County 10/02/18	
9.	Belen	11/10/18
10.	Churchrock Chapter	
	the Navajo Nation	08/15/18
11.	Navajo Nation Diné Uranium Remediation	
	Advisory Commission (DURAC)	11/29/18
12.	All Pueblo Council of Governors	10/17/19

#### Texas

13.	Nueces County	02/04/15
14.	Bexar County	02/21/17
15.	San Antonio County	03/30/17
16.	Dallas County	04/14/17
17.	Midland County	04/24/17

18. Denton County 10/16/18



#### Board of County Commissioners (BCC) Meeting: 06/12/18 05:00 PM

#### CITY OF JAL RESOLUTION 2018-22

OPPOSING CONSTRUCTION OF AN INTERIM HIGH-LEVEL NUCLEAR WASTE SITE IN AND AROUND LEA COUNTY

WHEREAS, Eddy and Lea Counties in NM are targeted for forty years or more of storage for the nation's most dangerous nuclear reactor waste, which could lead to dangerous de facto permanent dumps, and importing high-level radioactive waste would put millions of people at risk for financial and health impacts from potential accidents or incidents; and

WHEREAS, Holtee Inc. has applied to the Nuclear Regulatory Commission for a license to store up to 100,000 tons of 'spent' nuclear reactor 'fuel, which is all of the nation's most dangerous nuclear waste, in temporary in-ground storage in Lea County, SE New Mexico: and

WHEREAS, transporting high-level radioactive waste for the purpose of consolidated storage would unnecessarily increase risks of accidents or terrorism activity, and the waste would travel through the Southeastern New Mexico region, where the City of Jal is located; and

WHEREAS, high-level radioactive waste should remain secured at or near the site of generation and be transported only once, when a scientifically viable permanent disposal site becomes available; and

WHEREAS, high-level radioactive waste consists of irradiated (spent) fuel from nuclear power reactors and/or weapons production that includes uranium, plutonium and other radioactive elements that must be isolated for thousands of years or longer. The waste on a single train car would likely contain as much plutonium as was in the bomb dropped on Nagasaki; and

WHEREAS, exposure to radioactivity is known to lead to birth defects, genetic damage, and cancers and unshielded exposure to high-level radioactive waste could give a lethal dose; and

WHEREAS, our lives, land and aquifers must be protected from radioactive contamination which could result from accidents, radiation releases or leaks, or terrorist actions during the thousands of high-level radioactive waste shipments that would occur for a period of 24 years if consolidated storage is licensed; and

WHEREAS, an accident releasing only a small amount of radioactivity could contaminate a 42-square mile area. A 1985 DOE study found that cleanup could cost \$620 million in a rural area. Today, the amount for cleanup could be much more; and

Res 2018-22

### City of Las Cruces

Council Action and Executive Summary

For Meeting of July 23, 2018 For Meeting of (Adoption Date) (Adoption Date)

Please check box that applies to this item:
UASI JUDICIAL □LEGISLATIVE ☒ADMINISTRATIVE

TITLE: A RESOLUTION TO OPPOSE THE TRANSPORT OF HIGH LEVEL NUCLEAR WASTES AND THE CONSTRUCTION AND OPERATION OF NUCLEAR WASTE

#### THE NAVAJO NATION CHURCHROCK CHAPTER Kin Litsó Sinilí

tailw:



Edmund E. Yazzie, Council Delegate Johnnie Henry Jr., President Sherman Woody, Vice-President Louise Jim, Secretary/Treasurer Donald Arviso, Land Board Member

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RESOLUTION OF THE CHURCHROCK CHAPTER

RESOLUTION NO. CRC-18-08-09
CHURCHROCK CHAPTER OPPOSES TRANSPORT OF

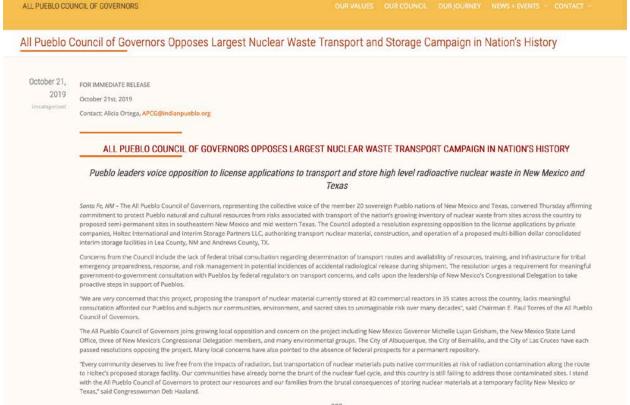
CHURCHRÖCK CHAPTER OPPOSES TRANSPORT OF HIGH LEVEL RADIOACTIVE WASTE BURNS, A SO CALLED SHIPST FUEL, RROM NUCLEAR POWER REACTORS THROUGH NAVAJO NIDIAN COLINTRY AND THE REACH SHIPST TO PROPOSED CONSOLIUMED INTERN STORAGE GRIENAVAH ON THE RAIL LINIS TO PROPOSED MEXICO AND WEST TEXAS AND REQUESTS FOR PROTEITED IN SOUTHEASTERN NEW MOINTAINS FROM PROOSED INCLEAR WASTE HANSPORT

WHEREAS:

- The Navajo Nation Council Resolution CS-34-98 emeeted the Navajo Nation Governance Act and codified it under Title 26 of the Navajo Nation Code: and
- Pursjant to Title 26 Navajo Nation Code, Section B-1 & 2, the purpose of the Local Governance
  Act is by recognize that the Navajo Nation Chapters are the foundation of the Navajo Nation and
  provides for Chapters to make real decisions on matters of local importance; and
- 3. Puralantis O Tale I Navajo Nation Codo, Section 2. Dind Bi Berenhardanii: The Diné bi bereinbardanii embodica Dis bi bistudede bereinbardanii (Tradiciosal Law), Diyin Dinéé bitsadele betsadele betsade
- 4. Pursuant to Title 4 Navajo Nation Code, Chapter 9, The Navajo Nation Policy Act, The Navajo Nation Ender, acting through the Navajo Nation Environmental Protection Againcy, shall exert to the fulled exent in studenty to replant, emoint or afteriore performment with appropriate or infuneral standards throughout all of the Navajo Nation, including the exercise of its satisficity to full ret eliminate environmental contaminants entitled outside the Navajo Nation, but which may migrate into or otherwise adversely affect the lands, waters or air of the Navajo Nation, but

P.O. 8ox 549 \* Churchrock, NM 87311 \* Ph. (505) 488-2166 \* Fax (505) 488-2190 \* E-mail: churchrock@navajochapters.org www.churchrock.navajochapters.org

# All Pueblo Council of Governors Opposes Largest Nuclear Waste Transport and Storage Campaign in Nation's History



Opposition ad Concern re: CIS Expressed from New Mexico Legislators, State Land Commissioner, and Congressional Delegation, and the New Mexico Governor



#### New Mexico State Senate

STATE CAPITOL Santa Fe 87501

To: Nuclear Regulatory Commission Chairman Kristine L. Svinicki; NRC Commissioners Jeff Baran and Stephen G. Burns

Rick Perry, Secretary of the Department of Energy

From: Cisco McSorley, Senator &



#### Stephanie Garcia Richard

#### State of New Mexico Commissioner of Public Lands

COMMISSIONER'S

OFFICE

Phone (505) 827-5760

Fax (505) 827-5766 www.nmstatelands.org

310 OLD SANTA FE TRAIL P.O. BOX 1148 SANTA FE, NEW MEXICO 87504-1148

June 19, 2019

Krishna P. Singh President and CEO Holtec International Krishna P. Singh Technology Campus I Holtec Blvd. Camden, NJ 08104

Dear Dr. Singh:

I write regarding Holice International's stated plants to build and operate a nuclear waste storage facility in western Lea County, New Mexico, near the Eddy County Iline. In the course of applying for a 40-year permit from the United States Nuclear Regulatory Commission (NRC) to deposit in New Mexico up to 120,000 mortic tons of highly radiosective waste from nuclear facilities across the United States, Holice has stated that its proposal enjoys "overwhelming support" in the state. In fact, a number of New Mexico industry associations, from the New Mexico Cattle Growers' Association to the Permina Busin Petroleum Association, recently have expressed serious concerns about - and in some instances outlight opposition to - Holice's proposal. Along with elected officials and non-portif organizations, they have objected to the control of the New Mexico and the

Instead, as New Mexico's Commissioner of Public Lands, with direct oversight of mineral lessing at the location of Flottles's planned facility, I write to express my safety concerns and to address several misrepresentations that Holtec has made to the NRC and New Mexicans about its control of the proposed disposal site as well as agreements that it claims to have secured from New Mexico State Land Office mineral lessees. The State Land Office has reviewed a number of Holtec's submissions to the NRC, including the company's Facility Environmental Reconc (FER) and Stafety Analysis Report (SAR). Those



#### State of New Mexico House of Representatives Santa Fé

Feb. 14, 2018

To: Nuclear Regulatory Commission Chairman Kristine L. Svinicki; NRC Commissioners Jeff Baran and Stephen G. Burns

Rick Perry, Secretary of the Department of Energy

DEB HAAL AND 1" DISTRICT, NEW MEXICO



COMMITTEE ON ARMED SERVICES
SECONMITTES
MILITARY PERSONNEL
RECONSIST
COMMITTEE ON NATURAL RESOURCES

VICE-CHAR SUCCEMPTEES CONN. PARKS, FORESTS, AND PUBLIC LANCE, CHA

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AT THE AMERICAN CAUCUS, CO-CHAR

RECORDS 1995

House of Representatives

Congress of the United States

The Honorable Rick Perry Secretary

U.S. Department of Energy 1000 Independence Ave, SW Washington, DC 20585

The Honorable Kristine Svinicki Chairman

U.S. Nuclear Regulatory Commission Mail Stop O-16B33 Washington, DC 20555-0001

Dear Secretary Perry and Chairman Svinicki:

I write in opposition to the interim storage of high-level radioactive waste in New Mexico. The Nuclear Regulatory Commission (NRC) is evaluating Holtec International's application for a license to construct and operate a consolidated interim storage facility for commercial spent nuclear field in Lea County, New Mexico. I believe such a facility poses too great a risk to the health and safety of New Mexicoas, our economy, and our environment.

Operation of this facility would require shipping of high-level radioactive waste along railways and roads throughout our state. Our existing railways were not built to withstand the weight of waste containers and there are no plans for new construction or renovations within this proposal. Clies and counties across New Mexico, as well as the state itself, would be asked to bear the cost of the infrastructure improvements needed for safe transportation, as well as for the energency response personnal and conjument that with be needed to respond to an incident. The predicted accidents at a rate of 1 in 10,000 shipments, meaning it is essential that such measures per ut in place.

The concept of an interim storage facility is inherently flawed, because it will result in waste being moved witce, first to the interim facility and then to a permanent repository. This increases the chances that the waste will be involved in an incident during transportation, the riskiest portion of the process. DOE has found that a severe accident involving one radioactive waste cask releasing only a small amount of waste could contaminate a 22 square mile rural area with cleanup cost sexeeding \$500 million (a.o. and in an urban area cleanup costs exceeding \$500 million (a.o. and in an urban area cleanup costs exceeding \$500 million to holds and task years. And waste shipments emit radiation even during routine transportation. Should an incident occur in the area of the Police site, it would wreak have on New Mexico's economy, as the agricultural industry in Lea and Eddy Courties, where the facility would be located, contributes \$500 million to our economy annually.

# NM Gov. Michelle Lujan Grisham:

"There's nobody that's been able to demonstrate to me that there isn't risk here," she says. "There is risk. We need to be clear about that. I don't think it's the right decision for the state."

Source: New Mexico Is Divided Over The 'Perfect Site' To Store Nation's Nuclear Waste, NPR Article by Nathan Rott, April 11, 2019

# CIS is **NOT** Legal

#### **RELEVANT FEDERAL LEGISLATION:**

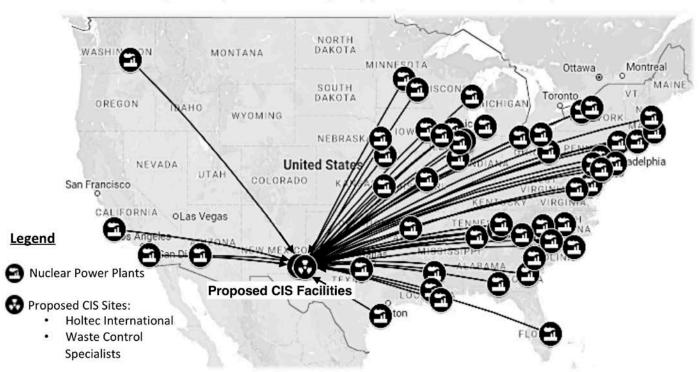
- H.R. 3671 Off Fossil Fuels for a Better Future Act, 115th Congress (2017-2018), Rep. Tulsi Gabbard, (D.-HI); Introduced 09/01/2017 being extensively revised, and will contain significant reference to nuclear issues and communities. Has a sizeable section dealing with just-transitions for fossil fuel communities,
- H.R. 6814, Troubled Nuclear Power Plant Communities Assistance Act, Rep. Marcy Kaptur (D.OH), 9/13/18.
- <u>S.1985</u> The "Stranded Act of 2017;" Sen. Tammy Duckworth and IL Rep. Brad Schneider, in the Senate Committee on Environment and Public Works (EPW)– provides financial compensation and incentives for communities left with "stranded" high-level radioactive wastes (spent reactor fuel) after reactor closures (may have new numbers in new Congress); being re-written to include provisions from Marcy Kaptor's House bill.
- · Sen. Rosen (D.-NV), et al, Jobs, Not Waste Act, to close down Yucca Mt. and oppose CIS
- · H.R. 1544 and S 649, The Nuclear Waste Informed Consent Act -- consent based siting of HLRW dump,
- Nuclear Energy Leadership Act (<u>S. 903</u>), promotes nuclear R&D, new nukes&markets; Sen. Duckworth a co-sponsor
- H.R. 2314: To amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from nuclear energy. IL Co-sponsors include: Reps. Bost, Bustos, Kinzinger, and Rodney Davis
- <u>S. 1234</u>, the **Nuclear Waste Administration Act (NWAA) of 2019**; pro nuke, pro-Yucca and CIS; Sens. Lisa Murkowski, R-Alaska, Lamar Alexander, R-Tenn., and Dianne Feinstein, D-Calif.
- H.R. 2699 The Nuclear Waste Policy Amendments Act of 2019/ S. discussion draft of The Nuclear Waste Policy Amendments Act of 2019 H.R. 2699 The Nuclear Waste Policy Amendments Act of 2019/ S. discussion draft of The Nuclear Waste Policy Amendments Act of 2019
- appropriations for Yucca Mountain and Centralized "Interim" Storage (CIS or MRS) for nuclear waste.
- H.R. 3136 The STORE Nuclear Fuel Act of 2019—Rep. Matsui; proposes CIS
- H.R. 2995 The Spent Fuel Prioritization Act of 2019 Rep. Levin, CA; prioritizes movement of HLRW

# NM is a Majority Minority State

- Lea County, 65.7% Communities of Color
  - 59.4 % Hispanic
  - 4.3% Black
  - 2% Native American
- Eddy County, 54.2% Communities of Color
  - 49.8 % Hispanic
  - 2% Black
  - 2.4% Native American

# CIS is Environmental Racism

Map created by Nuclear Issues Study Group (www.nuclearnewmexico.com/NISG)



#### Resources

https://www.nrc.gov/info-finder/reactors/

https://www.nrc.gov/reactors/operating/map-power-reactors.html

https://holtecinternational.com/productsandservices/hi-store-cis/

http://www.wcstexas.com/facilities/ and http://wcsstorage.com/wp-content/uploads/2016/09/WCS\_Application.pdf