

Part 1 of 2

TO: The U.S. Nuclear Regulatory Commission, *11555 Rockville Pike* . Rockville, MD 20852 -2738

FROM: Mervyn Tilden

RE: Holtec International and the United States Nuclear Regulatory Commission Docket ID 72-1051; NRC-2018-0052.

DATE: May 21, 2018 NRC PUBLIC SCOPING MEETING

At a scoping meeting on May 21, 2018 in Gallup (NM) hosted by the Nuclear Regulatory Commission (NRC) on behalf of Holtec International and its proposal to bring all of the existing commercial high-level radioactive spent fuel from nuclear reactors from the East Coast to New Mexico, over 100 individuals attended. There were 37 speakers; 36 were opposed to the transport of high-level nuclear waste through our region by Holtec, International.

When an Holtec Int'l. employee tried to speak during the Public Comment session after Holtec, Int'l already gave its presentation, Attendee Susan Schuurman stood up and objected to this unacceptable breach; I stood up as well in solidarity with her.

No one representing the Navajo Nation government were in attendance. Navajo Nation Council delegate Jonathan Perry (Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) represented his constituents.

There are over 14 Navajo communities along the proposed transport route and no NRC public meetings scheduled for them. Additional meetings are urgently needed for the neglected Navajo Communities along the transportation route and translators/interpreters should be provided by the NRC and Holtec, Int'l at their expense.

No one from the City of Gallup, McKinley County or the State of New Mexico representing Districts 5 or District 9 (McKinley and San Juan Counties) attended either. Representative Stephanie Garcia Richard, (D) -- (Los Alamos, Rio Arriba, Sandoval and Santa Fe) was the only State Representative in attendance who spoke on behalf of the people of New Mexico and opposed Holtec, Int'l.

There is no adequate representation by those elected to represent the best interests of the citizens of the Navajo Nation, the City of Gallup and McKinley County and the State of New Mexico. There is no data, reports of information located at the Gallup Octavia Fellin Public Library or the Navajo Nation library even when the transport of the high level radioactive waste will be transported through the heart of Gallup, New Mexico and McKinley County, directly adjacent to the Navajo Nation.

On July 24, 2018, the McKinley County Commission was informed (again) about the proposed transport of high level radioactive materials on Interstate I-40 and the Burlington Northern Santa Fe Railroad concerning the deadline on July 30, 2018 for public comments regarding Holtec International and its proposal to transport the existing commercial high-level radioactive spent fuel from nuclear reactors from the East Coast to New Mexico. The Vice-President of the Navajo Nation, Jonathan Nez and Navajo Nation Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) were present and were given material relating to Holtec International's. proposal. I have repeatedly gone before them and other governmental entities as well.

With approximately 99 nuclear reactors on the East coast, there are 20 planned phases of the transportation of 500 canisters of spent radioactive nuclear fuel; this adds to up to 10,000

canisters during that period on Interstate I-40 and the BNSF railroad, both of which run through the heart of Gallup. The presentation by Holtec, Int'l. did not elaborate on the potential for an accident along the route and the question of whether Gallup has a contingency plan to arrange for the containment of a spill or mishap near or in the city. The liability issues are not addressed and there is no HAZMAT emergency response team that is equipped to handle a catastrophic radioactive event in the city, county or Navajo Nation.

The issue of transportation is coupled with the U.S. Department of Transportation regulations that have oversight of highway shipments of nuclear waste, most of which are done on Interstate routes, even thru heavily populated metropolitan areas. There is no coordination with the McKinley County governing body, the City of Gallup or the Navajo Nation or the law enforcement agencies within their respective jurisdictions.

Holtec, Int'l. did not elaborate on the potential for an accident along the route and the question of whether there is a contingency plan for the containment of a radioactive spill or mishap near or in the city. A single car derailment that occurred on Gallup's west side spilled hydrochloric acid on July 03, 2018. Another recent derailment of a BNSF rail car on Gallup's east side revealed there is no local HAZMAT resources or personnel that can be dispatched immediately to the scene if high level radioactive material is involved.

According to the U.S. Department of Transportation, Federal Railroad Administration, Office of Safety Analysis, there were 448 railway accidents/incidents with 41 fatalities and 275 injuries in New Mexico in a five-year period from 2008 to 2012. With the two derailments that were not expected, it would seem that this is not an immediate concern of the City of Gallup and the Navajo Nation is not prepared to deal with the potential liability of a catastrophic event that would threaten the lives of Navajo citizens for generations to come.

This is the same mindset that allowed the devastation of lives, animals, property and land not only on the Navajo Nation but in other places where the minority population is left with no recourse. In Church Rock and Crownpoint (NM) the proposed reactivation of uranium mines is another addition to this environmental injustice.

With Navajo citizens being placed in harm's way, the Navajo Nation's "Leadership" needs to come to the front lines, represent our interests, and speak up to protect our lives and land before tragedy occurs, again, as it did with the uranium mill spill that occurred in the state of New Mexico on July 16, 1979.

There is no clarification of the cylindrical shipping containers and their vulnerability to an “accident” on the Interstate Highways or Railways. What is the weight of each canister? 25 to 125 tons? Is the waste solid or liquid? Are the canisters steel or lead? According to the American Petroleum Institute, heavy truck accidents occur six times for each one million miles of travel with 15 “accidents” expected each year.

Continued next week.

Holtec Int’l. proposes to transport high level radioactive waste on U.S. Interstates that contains the same long-lived radioactivity released by the Hiroshima and Nagasaki Atomic bombs on August 6 and August 9, 1945.

There is no data that addresses the temperatures of up to 1,475 Fahrenheit and the number of days or weeks that the radioactive waste will be on American highways, the heat vaporization of the radioactive materials in the air, land or waterways. There is no data regarding the inhalation of radioactive particulates that cause cancer, liver and kidney disease, growth retardation, birth defects and other fatal diseases in human and animals.

There is no data regarding the Notice of Violations or escalated actions for Security Levels I, II or III; Inspection Findings and the determination of radioactive materials released during transport or as a result of an “accident” or derailment. There is no data regarding the enforcement policy regulating “Hot Particles” or the Standards for Radiography Equipment that is required in the transport of deadly radioactive materials. There is no data regarding the enforcement discretion involving natural events (Hurricanes, Floods, Tornadoes or Earthquakes); and there is no data concerning the medical enforcement policy that will require the immediate action by local and regional personnel and medical facilities on or near any cities or the Navajo Nation (Indian Health Service Units).

There is no data concerning the deliberate misconduct of drivers on the Interstates (lack of sleep, speeding, dual drivers, medical conditions or carelessness). There is no data regarding the release of information to the public if and when there is an accident or release of hot radioactive materials in or nearby communities that are in harm’s way along the proposed routes of transport.

There is no data regarding the public's requests for inspection of reports concerning the inter-governmental relations with the U.S. Nuclear Regulatory Commission, the local and regional governments, the impacted tribes under the protection of "Trust Responsibility" by the United States government and the treaties signed for that purpose.

There is no data on shipping regulations and the fitness for duty of each transport vehicle or railcar, the completeness and accuracy of the information ascertained, the Civil penalties for actions against licensed operators or the NRC regulations of policy and practice for the public's protection against the release of radioactive materials into the environment.

Case in point: The Navajo Birth Cohort Study—Environmental Influences on Child Health Outcomes (a U.S. nation-wide study) recently brought over 30 participants together on May 09, 2018, to share their experience, knowledge and progress on the studies at Rehoboth McKinley Christian Health Care Services which was followed by a tour near the former United Nuclear Corporation and Kerr McGee mine sites and meeting of the Red Water Pond Road community where former uranium mines are expected to be reactivated in Church Rock and Crownpoint, New Mexico.

The NBCS—ECHO studies are a Cooperative Agreement between the National Institutes of Health (UG30DO23344) and the University of New Mexico Community Environmental Health Program in partnership with the Navajo Nation Department of Health, Southwest Research and Information Center, UNM Center for Development and Disability and the University of California, San Francisco.

Mothers who are already enrolled in the NBCS and are interested in continuing their participation are eligible along with new female participants who are between the ages of 14 and 45; have a confirmed pregnancy; have resided on the Navajo Nation for five years (at any time) and are willing to deliver their child(ren) at one of the participating Indian Health Service or Public Law—638 hospitals that serve the Navajo people.

Included in the studies are the Church Rock and Crownpoint (NM) chapters along with 20 other chapters on the reservation-wide. There are over 1,100 estimated exposure sites on the reservation that have been abandoned by the former operators of the mines. The Church Rock site is a 1983 U.S. Environmental Protection Agency "Superfund" site where a holding pond

released over 93 million gallons of radioactive uranium tailings into the Rio Puerco River on July 16, 1979, the largest “spill” in United States history.

The poisonous flow continued through Navajo communities in Arizona as well. There has been no clean up or remediation of the “Superfund” site at the Northeast Church Rock Mine.

The mining activity has basically depleted much of the underground water and caused a significant increase in multiple chronic diseases in the impacted populations. The studies indicated that the logical place to start was in the health of children with uranium being the primary contaminant of concern along with the exposure to other mixtures of metals which can cause birth defects and life-long health issues.

The exposures can be physical, chemical, societal, medical and psychosocial. Radiation scans in homes to the birth records and reproductive outcomes were assessed and the results included the fact that some sources of exposure include inhalation, the land used, plants (root systems), livestock, free wind patterns and unregulated water sources. The distribution of uranium particles across all Navajo service units is equal for resuspension and Aeolian transport.

The possibility of the re-activation of uranium mining on Navajo land is banned through a Navajo Nation Council resolution (CAP-18-05); the Dine’ Natural Resources Protection Act of 2005 was passed for the protection of individuals who have been impacted and extends to all who want to hear about the problems and issues, conduct more research, gather additional information and continue their advocacy in the future.

From the extraction of uranium to the Final Solution of storage, it must be noted that the half-life of Uranium-238, the most prevalent isotope in uranium ore, has a half-life of about 4.5 billion years. In human terms, this is forever. Therefore, along with others, I remain strongly opposed to making New Mexico and Tribal Lands, a radioactive waste land. Yucca Mountain was also supposed to be “temporary” but is now a permanent radioactive nuclear storage site in spite of U.S. government “Trust Responsibility” to the Western Shoshone nation on the Skull Valley Goshute reservation.

The Waste Isolation Pilot Plant was also supposed to be “temporary” but is also a permanent

radioactive waste disposal site; In February 2014, a 55-gallon drum of radioactive waste burst open inside America's only nuclear dump, the Waste Isolation Pilot Plant in New Mexico. Investigators believe the cause was the pet store purchase of kitty litter. Cat litter can soak up urine, but it's just as good at absorbing radioactive material which is what was deemed "safe" and was allowed by the U.S. Department of Energy. Presently, there are more than 500 drums packed with the wrong litter located in Los Alamos and the Waste Control Specialists located in a 14,900-acre site in western Andrews County, Texas.

There has been no consultation with the Navajo Nation whatsoever. There has been no Health Risk Assessments or Environmental Impact Assessments regarding the unfortunate potential for any mishaps that will occur along the transportation routes that will impact the nation or nearby communities. Who will pay for the damages that will be inflicted to the people, animals or land? This is Environmental Racism at its worst and the Nuclear Regulatory Commission and Holtec, International have not addressed the disproportionate impacts that will occur when an "accident" takes place during transport.

This is totally unacceptable, especially when the NRC and Holtec Int'l. have not taken the due diligence to translate their deadly proposal into the Navajo and Laguna-Acoma languages. This is not responsible toward adequate free and informed prior consent, especially when the U.S. Department of Transportation) is not a part of this process or discussion in the face of Regulations for the Safe Transport of Radioactive Material 2012 Edition for protecting people and the environment, No. SSR-6, Specific Safety Requirements, IAEA SAFETY STANDARDS AND RELATED PUBLICATIONS.

The necessary resource areas are not included in the Nuclear Regulatory Commission and Holtec, International proposal: Public and occupational health; socioeconomics; Environmental Justice; ecology impacts; the scenic and visual aspects; Noise pollution; Air Quality; Waste management; and Trust responsibility to all American Indian tribes.

The issue of the United States government's "Trust Responsibility" to all indigenous tribes in America has been all but abandoned by the Donald Trump White House administration so our right to the protection of our lives, land and resources are basically non-existent at this crucial juncture. Human Rights has not been a part of the discussion or the safety of our sacred land.

Our present Navajo "leadership" should not follow their example, especially when Trump has challenged tribal sovereignty by intending to make all Treaty provisions null and void under the

lie that American tribes are not separate sovereign governments. While the Navajo Nation's "leadership" celebrated "Navajo Sovereignty Day" (on Tuesday, April 24, 2018) in Albuquerque (NM) over 150 miles away from our nation's capital touting the 150th Anniversary of the signing of the Treaty of 1868, I sincerely hope they do not follow a "locked and loaded" U.S. president who doesn't read and cannot write correct English and sets his misspelled and misguided White House policy via Twitter "Tweets".

The Nuclear Regulatory Commission and Holtec, International have not produced a back up plan for any related catastrophe that will happen along the transportation routes. Again, Uranium-238, the most prevalent isotope in uranium ore, has a half-life of **about 4.5 billion years** ; in human terms, that is forever. With the proposed reactivation of the Church Rock and Crownpoint (NM) former uranium mines, the solution is very simple: Keep uranium in the ground. NO mining, NO waste, NO transportation.