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**DON'T WASTE MI, et al. FILES FEDERAL LAWSUIT
CHALLENGING NATIONAL HIGH-LEVEL RADIOACTIVE WASTE
DUMP TARGETING NEW MEXICO**

***Petitioners charge Nuclear Regulatory Commission inadequately
disclosed irradiated nuclear fuel transport routes through 45
states***

WASHINGTON, D.C., JUNE 24, 2020 -- Today the national grassroots environmental coalition Don't Waste Michigan (DWM), et al. filed an appeal with the U.S. Court of Appeals for the District of Columbia Circuit (Case No. 20-1225), requesting review of an April 23, 2020 [Order](#) by the U.S. Nuclear Regulatory Commission (NRC). NRC's Order rejected DWM, et al.'s challenges to Holtec International/Eddy Lea Energy Alliance's application to build a massive "consolidated interim storage facility" (CISF) for nuclear waste in southeastern New Mexico. Holtec proposes to store as much as 173,000 metric tons of highly radioactive irradiated nuclear fuel – more than twice the amount currently stored at U.S. nuclear power reactors – in shallow pits on the site.

DWM, et al. is comprised of the following seven organizations, from six states across the country: Citizens for Alternatives to Chemical Contamination, MI; Citizens' Environmental Coalition, NY; Don't Waste Michigan; Nuclear Energy Information Service, IL; Nuclear Issues Study Group, NM; Public Citizen (DC, TX); San Luis Obispo Mothers for Peace, CA. Toledo, OH-based attorney Terry Lodge serves as the coalition's legal counsel.

[As listed in its Petition for Review](#), Don't Waste MI, et al. appealed the following seven Contentions from its licensing intervention before the NRC to the federal court: Contention (1) Redaction of Historic and Cultural Properties Precludes Public Consultation and Participation; Contention (2) Insufficient Assurance of Financing; Contention (3) Underestimation of Low-Level Radioactive Waste Volume; Contention (4) Holtec Does Not Qualify For Continued Storage Generic Environmental Impact Statement; Contention (7) Holtec's "Start Clean/Stay Clean" Policy Is Unlawful and Directly Causes a Public Health Threat; Contention (9) Incomplete and Inadequate Disclosure of Transportation Routes; and Contention (11) National Environmental Policy Act Requires Significant Risk Analysis.

Molly Johnson, a member of the board of San Luis Obispo Mothers for Peace (SLOMPF) in California, said: "The proposal to transport high-level radioactive waste to a poor community of color in southeast New Mexico as a 'temporary' storage solution is dangerous and irrational. San Luis Obispo Mothers for Peace advocates for storing waste at or as close as possible to the site of generation until a science-based PERMANENT solution can be determined."

Barbara Warren, Executive Director of Citizens' Environmental Coalition (CEC), said: "Multiple New York activists share serious concerns with our friends in New Mexico about the deficient environmental review for the long-term storage of nuclear waste that will be hazardous for millions of years. NRC has not required controls adequate to handle both short-term and long-term hazards for this dangerously radioactive irradiated nuclear fuel. In addition, there has been

NO evaluation of the entire hazardous journey high-level nuclear waste will require, the enormous costs to fix transport infrastructure and the potential for disaster along the entire route, where freight and passenger trains must share rail lines. In addition, barge transport poses unique hazards."

"The proposal to make New Mexico a national sacrifice zone includes tens of thousands of rail shipments of irradiated nuclear fuel and may be one of the most dramatic long-term transport efforts in the history of the United States," observed Leona Morgan, Coordinator of the Nuclear Issues Study Group in Albuquerque. "We're joining six other organizations in a total of five states to challenge the federal government demanding that the 200 million+ people living within 50 miles of rail corridors have a say in this decision to allow deadly radioactive waste to come through their communities."

Michael Keegan, Co-Chair of Don't Waste Michigan, said: "Holtec's 'Return to Sender' policy, for Mobile Chernobyl shipments that show up in New Mexico externally contaminated, leaking radioactivity, or damaged, is illegal. It would mean communities across the country would be exposed to high-level radioactive risks, coming and going. This includes for Fermi Unit 2's irradiated nuclear fuel, in Holtec containers, that would pass by rail through the heart of metro Detroit, during both legs of the nonsensical, high-risk, 3,000-mile round-trip journey."

Attorney Terry Lodge, Toledo, OH-based legal counsel for Don't Waste Michigan, et al., charged that, "The Holtec proposal is a corporate welfare trough that will make the nuclear waste problem in this country worse, putting millions of people along transport routes at unnecessary risk."

"My community does not want dangerous radioactive waste, despite claims made by nuclear lobbyists and politicians who see us as their dumping ground," said Rose Gardner, a founder of Alliance for Environmental Strategies, who has been fighting low-level radioactive waste in her community for years. AFES is an ally of Don't Waste MI, et al., in opposing the Holtec CISF, as well as a related CISF that Don't Waste MI, et al., also opposes, Interim Storage Partners at Waste Control Specialists (WCS) in Texas. "Two companies now want to bring in the deadliest of all radioactive waste, from around the entire country, store it in our backyard and keep it there for decades. We don't want it and we don't consent to being dumped on. We live here. We have children. And we're not the sacrifice zone for wealthier communities," Gardner added. Gardner lives in Eunice, New Mexico, 5 miles west of the proposed WCS radioactive waste storage site, and less than 40 miles southeast of the proposed Holtec/ELEA site, proposed for midway between Carlsbad and Hobbs, NM.

The June 22, 2020 filing deadline at the federal court of appeals came just one day before the NRC held its first of [two scheduled public comment webinars/call-ins regarding its Draft Environmental Impact Statement on Holtec's proposed CISF](#). The webinar/call-in took place from 5 to 10pm Eastern, Tuesday, June 23, 2020. Representatives of Don't Waste Michigan, et al. submitted verbal comments at that time. A second webinar/call-in for public comment is scheduled to begin at 5pm Eastern on Thursday, July 9, 2020. NRC's current deadline for public comment is September 22, 2020. During the preceding environmental scoping stage public comment period in 2018, more than 30,000 public comments opposing the Holtec CISF were submitted, a record-breaking number for the subject matter.

[A coalition of 50 groups, including all seven from the Don't Waste Michigan, et al., coalition, urged NRC on April 1, 2020 to hold two-dozen, in-person public comment meetings, post-pandemic, in a dozen states outside New Mexico](#), but the NRC has not even responded to that request. New Mexico's united U.S. congressional delegation has stood strong in its demand for five in-person public comment meetings across the state, once safe to do so.

As revealed by a 2008 U.S. Department of Energy (DOE) document cited by NRC in its Holtec CISF DEIS, road and rail routes through 45 states and the District of Columbia would be used to

haul Holtec's 10,000 high-risk irradiated nuclear fuel shipments on their roads and rails, from reactors predominantly in the eastern half of the country, to New Mexico. (See [2017 State of Nevada Agency for Nuclear Projects' analyses](#) of the 2008 DOE document, including route maps and estimated shipment numbers.) A related [2002 DOE document revealed that numerous waterways on sea coasts, the Great Lakes, and rivers could also be used.](#)

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Beyond Nuclear is a 501(c)(3) nonprofit membership organization. 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. The Beyond Nuclear team works with diverse partners and allies to provide the public, government officials, and the media with the critical information necessary to move humanity toward a world beyond nuclear. Beyond Nuclear: 7304 Carroll Avenue, #182, Takoma Park, MD 20912. Info@beyondnuclear.org. www.beyondnuclear.org.