

To:

Yvette Herrell, R-Dist. 51;
Sens. Bill Burt, R-Dist. 33,
Ron Griggs, R-Dist. 34;
Reps. Rick Little, R-Dist. 53,
Zach Cook, R-Dist. 56,
James Townsend, R-Dist. 54

Date: Sun, 12 Mar 2017 17:42:15 -0600

Subject: Your Article in Friday's Alamogordo Daily News

Last Friday the Alamogordo Daily News published your article on the Department of Energy's nuclear waste disposal research project proposed for Otero County (see link below). I've come to trust your opinion and stance on issues so this article was disappointing.

<http://www.alamogordonews.com/story/opinion/2017/03/11/salt-basin-deep-borehole-research-project-benefit-otero-county/99045194/>

Every project has benefits and risks. You wrote at length about the benefits. The risks were marginalized and misrepresented. You state (I quote) "I have heard two major concerns from some in our County about the project; its impact on groundwater and concerns that nuclear material will be stored at the research site." Yes, these are two areas of concern. But they are hardly the greatest concerns or pose the greatest risk to Otero County.

After reading your statement I felt as though you had signed off on a press release furnished to you by the DOE contractor, TerranearPMC, rather than research the issues (risks / benefits) yourself.

Perhaps you are not aware that counties in North Dakota, South Dakota and Quay County (in New Mexico) have evaluated this same Department of Energy proposal. In all of these counties the same major risk has been uncovered, discussed, and this risk resulted in project rejection by residents. Even cursory research would show you that major risk. Residents of these counties did research, ask questions and, based on the facts, said "NO" to the Deep Borehole project. What is the "risk" you ignored in the Alamogordo Daily News article? The risk that concerns all these other communities? Let me try to summarize it (although, I respectfully suggest you do research for yourself. The Newspapers in North Dakota, South Dakota and in Quay county are full of information as is the DOE website. I can provide links to information from these sources, as well as sources from the DOE if you need help (just ask)).

I will illustrate the risk by way of illustration.

DOE is committed to deep borehole disposal of bomb making nuclear waste such as the Hanford capsules. The Department of Energy (DOE) proposes to spend \$35,000,000 for "two" holes. They also

reserve the right to drill as many holes, as large a diameter and as deep as they find necessary (read the contract) at this site. No nuclear waste will be used at this site. We are told that these holes are to test the borehole concept for nuclear waste disposal. The project will also show if the Otero County geology is suitable for nuclear waste. Once this project is completed we are supposed to believe that DOE will then go elsewhere, maybe to Ohio or Nevada or Kansas or ?, and drill another \$35,000,000 "test" hole to see if the geology is good at this new site, and then DOE will begin the project to dispose of radioactive waste, in Ohio or Nevada or Kansas or ? .

Really? Does that seem reasonable?

Here is what actually is going on. DOE will drill and test. If the geology is good for a nuclear dump they will push through "emergency" legislation (see links), buy, or take, nearby land (eminent domain if necessary) and build a nuclear waste dump. They have plans for this. DOE / Sandia Laboratories plans show about 950 boreholes for "Spent Nuclear Fuel" and fewer for bomb waste. (see my website <http://weed-skies.org/index.html> for links to citations). Using a new Otero County site saves DOE \$35,000,000, but more importantly it saves them many years of time. A new borehole in Ohio or Nevada will take several years (probably 5+ years (if allowed at all)) to permit and bring in, and then the hole might turn out to have poor geology! DOE does not have this much time (see yesterday's Sante Fe New Mexican) as an example of DOE urgency; http://www.santafenewmexican.com/news/local_news/lanl-seeks-permission-to-store-more-nuclear-waste-on-site/article_169f3934-21a2-5ede-9d21-cfd2946e2bdb.html

If Otero County has the geology, the risk is that we'll be "it". Can we in Otero County afford to take that risk?

This is the "risk" you failed to discuss in you Alamogordo Daily News article. This is the "risk" that the counties and communities in North Dakota, South Dakota and Quay county saw and reacted to.

DOE's argument is if this project succeeds, that doesn't mean nuclear waste will come to our community. Really? The question is where will it go? It must go somewhere and soon! WHO wants nuclear waste disposed of near them? Answer; "No one". If you look at this from the federal government's point of view Otero County is the perfect location. Geologically ideal and in a sparsely populated area. Take a look at a map.

You do a disservice to yourself and those that respect your leadership by "forgetting" or ignoring the obvious greatest risk to the borehole project, while touting all the wonderful benefits.

Two final thoughts. First there is a fiction that Otero County is protected by federal and state regulations (and politicians) from an unwanted radioactive dump. Mr Obama proved how tenuous this "protection" is, with just a pen and phone he discarded billions of dollars invested in the Yucca Mountain nuclear repository in a political deal with Harry Reid. The current president also has a pen and phone and has shown a willingness to use them for the "greater good". Disposing of the waste

polluting Los Alamos and the weapons labs and the nuclear power plants qualifies as “greater good”. In a blink of an eye Otero County could be named as the dump. Recall we will be the only site with a proven geology. Just move over a mile, condemn land and drill.

Second, I wonder if you know who who are in bed with. Mr. Ken Fillman is a personable man. He is not the motivator for the borehole project. The Department of Energy (DOE) is paying for the project specifically to investigate nuclear waste disposal for bomb waste (think of the 1,900 radioactive Hanford capsules and Los Alamos mess). DOE has a very bad history as far as environmental damage, contractor performance failures, prosecution of whistle-blowers and honoring of contracts. DOE's own Inspector General has pages of malfeasance documented within DOE (again see my link on <http://weed-skies.org/index.html>). This agency has not honored commitments. It is paying \$6+ billion in settlements for failure to honor contracts. It is a broken agency.

DOE is broken yet Otero County should line up to do business? Here are just two examples of hundreds of why that is a bad idea. You have heard of WIPP I'm sure. WIPP was “sold” to Eddy County as a safe way to have jobs (sound familiar?). A 10,000 year repository for transuranic waste. Jobs and “Safety” were DOE selling points. After less than 15 years (of the 10,000 years) DOE mismanagement resulted in an accident. Workers from Eddy County (safe jobs) were contaminated. Small amounts of plutonium and americium were released into Eddy County. Perhaps worst of all DOE failed to step up during the first few hours. Residents, workers and politicians were left to fend for themselves. Communications and information was non-existent. DOE was silent. Their vaunted warning system, where was it during those critical minutes? After 10,000 years how radioactive will Eddy County be? Sure, New Mexico got \$73 million from DOE for claims from the state for the leak at WIPP. How does this help the workers and the land contaminated?

Staying in New Mexico, what about The Department of Energy's Los Alamos Lab? Another DOE mismanagement story. This Lab is a long term polluter of the environment that has consistently missed improvement deadlines. This laboratory and the DOE are responsible for improper packaging of transuranic waste that caused the WIPP billion dollar accident. New Mexico's Environment Department fined Los Alamos National Laboratories \$36.6 million in early December 2014, finding it had violated two dozen rules and regulations. Governor Martinez hand-delivered the notice of the fine to Energy Secretary Ernest J. Moniz. The DOE response? In January 2015 the DOE asserted that the state lacks legal jurisdiction to issue the fine. Note that they did not deny the violations. DOE thumbs its nose at many (most) legal requirements.

I could go on and on. There are literally hundreds of examples of poor management by DOE. Many incidents affect the health and safety of DOE workers and the public. Many violate legal contracts.

DOE like so many federal bureaucracies can not be trusted to honor commitments. They vacillate by the political winds.

Why would anyone trust an agreement signed by the Department of Energy? Let me say that a different

way, when you lay with dogs don't be surprised by the fleas. Keep in mind when the worst happens the politicians hide (or change position), the contractor goes back to Pennsylvania, the Department of Energy transfers personnel and maybe apologizes, while the workers, local residents and their families lose their property or perhaps die a slow lingering death. So who really takes the "risk"?

I urge you to read the news and information from North Dakota, South Dakota and Quay County. Look at my website. Read about DOE's so called "consent based siting". Do your own research. Then stand up and address the risk that you failed to mention in your glowing endorsement of Mr. Fillman's DOE project. This is not the risk from this first site. It is the risk from the "next" site. The risk I'm talking about, the elephant in the room risk, is "where will DOE go for a dump when there is only one site in the USA with a proven safe geology for radioactive waste?".

Thanks for your service, leadership and your carefully thought and stand on so many other issues.

Walt

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