

**From:** lets@saveleacounty.net  
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**Subject:** [External\_Sender] Maxwell Comments #1: Docket ID NRC-2018-0052

## ***Maxwell Comments #1: Docket ID NRC-2018-0052***

### **The Holtec Partnership, Probed**

### **What the Hobbs News-Sun and Associated Press aren't reporting:**

**April 27, 2020**

**(LEA COUNTY, NM)** -- This past Friday, State Auditor Brian Colón confirmed the open investigation of a procurement complaint filed last year against the Eddy-Lea Energy Alliance, a regional government in a partnership with Holtec International to site a large nuclear waste storage facility in Lea County.

Last July, Lea County resident Nick Maxwell brought the [complaint](#) to the state auditor's office and publicly issued his accompanying [statement](#) to the press. His complaint alleged that public officers of Eddy-Lea Energy Alliance (ELEA) had colluded with executives of Holtec in a joint-effort to defraud a competitive public procurement. Notably absent from the mainstream media outlets has been any report about the state's receipt of Maxwell's complaint for prohibited bidding.

Equipped with New Mexico's inspection statutes, Maxwell had obtained the [invoice](#) of the attorney who had been commissioned by ELEA to draft a revenue sharing deal in the later months of 2015. According to the invoice, this deal was secretly slipped exclusively to Holtec in anticipation of ELEA's announcement of a competitive public procurement offering the purchase of the group's publicly owned surface rights for the purpose of siting a nuclear storage facility. Not long thereafter and near the beginning of 2016, the deal was kicked back to ELEA within [Holtec's sealed proposal](#) at the end of public procurement.

The attorney had been tasked with preparing the [terms](#) which outlined this procurement. Per those terms, proposals from the public would have to include a revenue sharing deal for consideration.

Maxwell has alleged ELEA's tax-funded kickback deal was a bribe: a fabricated promise returned by Holtec for allocating no less than 30% of their future revenues to ELEA should Holtec receive a facility license from the Nuclear Regulatory Commission and get everything operational. In effect, future costs associated with Holtec's storage facility may become artificially inflated to afford the "30% bribery cuts" that will get regularly paid out to ELEA for their enduring "local public support".

Even in the state of New Mexico, white collar crimes such as bribery can be charged as racketeering scams when organizations attempt to pass off their crime as legitimate business activities. If held liable for commissioning their henchman-in-fact attorney to broker a bribe, the energy alliance could face [asset forfeiture](#) of Holtec's promised land to the State of New Mexico as well as [involuntary judicial dissolution](#) of the local government-owned limited liability company.

John Heaton, longtime chief officer of ELEA and former state representative in the Democratic Party, has kept his high seat on the board of directors of the energy alliance despite the investigation.

Maxwell commented on the auditor's [investigation](#), "The people of New Mexico demand and deserve transparency, honesty, and integrity from their public officials. This organized effort from ELEA and their partner to broker a favorable bribe had resulted in a less-than-competitive public procurement and should be exposed as a criminal racket funded from the public treasury. Any billion-dollar bid rigging conspiracy like this must be brought to justice for New Mexicans before it is too late."

author: [Nick Maxwell](#)

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