

# PUBLIC SUBMISSION

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**Docket:** NRC-2021-0137

Systematic Assessment for how the NRC Addresses Environmental Justice in its Programs, Policies, and Activities

**Comment On:** NRC-2021-0137-0001

Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities

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## General Comment

The NRC cannot operate in an environmentally just way without acknowledging its past violations of Environmental Justice (EJ) all along the nuclear chain. Most nuclear reactors, uranium mining-milling-“enrichment” facilities, fuel factories, reprocessing, and both high and “low-level” waste sites and transport routes are targeted for or located in/upstream/upwind of Indigenous, Black, People of Color, poor, and/or rural communities.

The ESSENTIAL next step is to compensate, cleanup, and repair damage done by previous NRC and AEC licensee actions, including over 15,000 abandoned uranium mines and the 1979 Church Rock disaster directly impacting indigenous people. The White House EJ Advisory Committee's list of “PROJECTS THAT WILL NOT BENEFIT A COMMUNITY” includes “procurement of nuclear power.”

To prevent repeating the past, NRC should set up structures to assist EJ communities including (1) a permanent EJ Advisory Board to assess all NRC processes, with authority to prevent EJ violations and (2) an independent division of NRC, with a firewall from existing staff, to assist intervenors (similar to current staff support for applicants).

The costs could be part of license application/amendment fees. Fees should also cover costs of (3) intervenor funding for legal and technical expertise. Canada has intervenor funding.

NRC's 10CFR2 rules for intervention are clearly skewed in favor of nuclear proposals—they must be amended to enable EJ communities to participate from the beginning, get standing (presumed intervenor status), and for their contentions to be accepted. Local Hispanic intervenors and their contentions were unfairly dismissed in the Holtec CIS licensing case. Diversity in NRC-ASLB judges might help.

NRC could improve its EJ policy by going beyond the National Environmental Policy Act requirements. Under NEPA, EJ should be automatically considered in Generic EISs and Environmental Assessments.

EJ “consideration” should include the full revelation of cumulative and synergistic impacts from multiple sources of pollution and health stressors.

ALL information must be made available in the primary languages of the communities and longer public comment periods are needed to enable more meaningful participation. Full translation services must be provided at public meetings.

Until the COVID-19 crisis with variants passes, extra measures are needed to enable already-over stressed and disproportionately impacted EJ communities to engage.

NRC should look to the 17 Principles of Environmental Justice and update the NRC’s Commission Policy Statement. NRC should create mandatory trainings for its staff on environmental justice and related topics such as diversity, equity, and inclusion.

Finally but importantly, NRC must seek to determine EJ impacts of many decades of nuclear waste transport along rails, roads, waterways largely through EJ communities from reactors to waste sites. The containers hold more plutonium than the Nagasaki bomb and more cesium than Chernobyl releases and routinely emit radiation even without accidents. There will be accidents and front-line communities will bear the deadly burden without free, prior, informed consent or knowledge.

We need new direction at NRC now to change a long history of neglect and indifference toward poor and minority communities. Please take action to improve your agency.