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 Environmental Justice at the NRC

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING ON ASSESSMENT OF ENVIRONMENTAL JUSTICE

AT THE NRC

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MONDAY,

SEPTEMBER 27, 2021

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The Public Meeting was conducted via Video
Teleconference, at 1:00 p.m. EDT, Chip Cameron,
Facilitator, presiding.

NRC STAFF PRESENT:

MARGARET DOANE, Executive Director for Operations

GREGORY SUBER, NRR/DORL

ALSO PRESENT:

PANEL 1:

THE REVEREND LEO WOODBERRY, New Alpha Community
Development Center

ADRIENNE HOLLIS, PhD, Hollis Environmental Consulting,
LLC

JUAN PARRAS, Texas Environmental Justice Advocacy
Center

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LEONA MORGAN (Dine), Dine No Nukes

JERRY PARDILLA, United Southern and Eastern Tribes

THE REVEREND BENDOLYN JENKINS BOSEMAN, The Imani
Group, Inc.

MANNA JO GREENE, Hudson River Sloop Clearwater, Inc.

PANEL 2:

MUSTAFA SANTIAGO ALI, World Wildlife Federation

JUNE LORENZO, Multicultural Alliance for a Safe
Environment

HEATHER WESTRA, Prairie Island Indian Community

MATTHEW TEJADA, US Environmental Protection Agency

DIANE CURRAN, Harmon Curran Spielberg & Eisenberg

ELLEN GINSBERG, Nuclear Energy Institute

EDWIN LYMAN, Union of Concerned Scientists

PUBLIC COMMENTERS PRESENT:

DAVID ROSEN

CHIEF MICHELLE MITCHUM

ELAINE COOPER

DAVID KRAFT

KEVIN KAMPS

DIANE D'ARRIGO

PAMELA GREENLAW

SHIRLEY RODRIGUEZ

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DIETMAR DETERING

LOUIS ZELLER

JESSE DEER IN WATER

ERIC MEYER

KEITH MERM

MICHELLE LEE

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P R O C E E D I N G S

1:04 p.m.

MR. SUBER: Good afternoon, everyone, and welcome to our public meeting that's going to be done in two parts. Appreciate everybody who has -- who has come in. We are in the process of doing the systematic review of the environmental justice programs at the NRC, and today's meeting is going to be done in two parts.

We're going to have a listening session from one to three, and then from three to five we're going to have a topical panel discussion. Next slide, please.

Just wanted to go over some of the meeting logistics quickly. As was mentioned before, this meeting is being transcribed, and so any comments that are made either by the participants or by members of the public are going to be recorded in a transcript.

And they're going, you know, and they're going to be made publicly available.

So if you prefer not to speak up, understand that, you know, this is your opportunity to get offline or, you know, respond in whichever you believe is appropriate.

This is a meeting to gather information,

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and so no regulatory decisions are to be made at this meeting. The primary focus of the meeting is to receive comments from the public and from the participants from the panel discussion.

And participants are going to be in a listening-only mode, which means that you'll be able to hear everything that's going on, but you won't be able to make comments. At the appropriate time during the meeting, the operator will prompt us to make to comments.

And at that time, he will give you instructions -- he'll give you instructions to make comments. And you'll be able to follow -- follow his instructions and participate in the meeting. And as I said, you will be prompted by the operator for that portion of the meeting.

And lastly, if you have questions about anything that's going on during the meeting, we do have a member of our OPA, Office of Public Affairs, who is able to ask those -- answer those questions and get back to you. And his email is given at the bottom of the slide, it is D as David, T as in Tom, M as in Michael at N as in Nancy, R as in Roger, C as in Charlie dot gov, that's dtm@nrc.gov. Next slide.

So I'm going to give a quick overview of

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the agenda. We're going to begin with some introductions and basically go to the flow of the meeting.

The first portion, as I've already mentioned, from one to three, will be a listening session where we have contacted various members of grass roots environmental justice organizations, and we're basically going to listen to their perspectives that they're going to give us on our EJ program and whatever enhancements they think we can make to that program.

After a short break, we will go to our topical panel discussion. And in that portion of the meeting, we have different panel participants who are going to address some of the policy and legal issues regarding the NRC's environmental justice program, give us some feedback, and also have some interaction between the panelist members.

And we will end with some closing statements and some instructions on how you, members of the public, can also submit comments on our environmental justice program to the NRC. Next slide.

Today we are fortunate enough to have Mr. Chip Cameron to function as our facilitator. And he will guide us through both the listening session and

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the topical reports.

In addition to that, we have Ms. Margie Doane, who is the Executive Director of Operations, and she's going to give us a welcome address. And following that, I'm going to go through the remainder of the slide.

So I just want to confirm that Margie's on the phone. Are you with us, Margie?

MS. DOANE: Yes, I am, can you hear me?

MR. SUBER: Yes, I can, yes, I can. So at this time, we're going to turn it over to Ms. Doane for a welcome address, and then we'll follow it up with the rest of the panel discussion.

It's all yours, Margie.

MS. DOANE: Okay, thank you so much, Gregory. I think there's some people who are asking about audio, Gregory. Do you want to point them to the opening slide so that they can call in?

MR. SUBER: Yeah, we can go ahead and put that back up while you're making your comments.

MS. DOANE: Okay, and it looks like someone's putting in that chat. Okay, great.

All right, well, thank you for that introduction and good afternoon. And thank you, all of the participants today who we'll be listening to,

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but also to the public. Thank you for joining us at today's listening session and panel discussion on environmental justice.

On behalf of the NRC, I want to express my sincere appreciation to all of the participants for your time and attendance today. As you know, the Commission has directed that the NRC staff conduct an assessment of how the Agency addresses environmental justice in its programs, policies, and activities.

In response to this direction, I created a team of Agency experts to look at this important issue, and they're working hard to canvas the landscape and hear from diverse perspectives to help assess how we're doing and identify areas where we may be able to make enhancements.

Feedback in meetings like this is critical to the success of our assessment, and dialog and comments will help inform and shape our thinking. So again, thank you all for engaging with us.

Gregory Suber, the Director of our environmental justice review team, has just spoken to you, and he's here to provide a brief overview. He's already given some things, but he's going to give you some additional things about -- additional information about the team's activities and objectives before we

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move into listening sessions of the meeting.

And I will be listening until two, and then I have to drop off, unfortunately, for a previously scheduled meeting. But I look forward to the team providing me with the insights that I missed.

And again, I just want to thank all of you for taking this time from your busy schedule to share your insights. And the environmental justice team has been working now for a few months, and I'm just, I'm very impressed by the information that we've already received. So I know how beneficial these meetings have been. Look forward to this one being just as successful because of all of you.

I'm going to now turn the meeting over to Gregory.

MR. SUBER: All right, thank you, Margie.

Thank you for that welcome. So if we could go to the Slide No. 6.

So we've kind of gone over some of these points, but this is basically the big question, you know, why does the NRC have this meeting. And as Margie explained, the Commission directed the staff to do a systematic review of our environmental justice program, and she stood up the committee. She stood up the team that I'm working on, that I'm leading, to

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actually conduct this review.

And part of what the Commission told us to do, and they were very explicit in this, was to go out and get feedback, get perspectives from a wide variety of communities. They wanted us very specifically to reach out to EJ communities, to reach out to state people, to local people, to other federal agencies. They wanted us to cast a broad net.

And this meeting is actually one of several attempts that we've had for public meetings to cast that wide net to get those reviews -- to get those perspectives and to get those views. The next slide.

So what is environmental justice? Now, this is an interesting question because there are concepts of environmental justice, and what we struggle with is a formal definition of environmental justice.

But if you go back to the Clinton order, Clinton's executive order, and you see the slide right here, it really tells that environmental justice should focus on identifying and addressing disproportionately high and adverse human or environmental effects in programs, policy, and activities on minority and low-income populations.

And right now that is the focus of the NRC's

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environmental justice program. We interpret environmental justice and implement it through our NEPA program. And this is what we're looking at, we're looking to see hey, are any of our licensing or regulatory actions causing disproportionately high or adverse human health or environmental effects. Next slide.

So this slide basically walks us through the evolution of what the Commission Staff Requirements Memorandum asked us to do. The first thing the Commission asked us to do is say, hey, focus on executive orders. Identify these executive orders.

And you know, assess whether the environmental justice program at the NRC addresses these orders appropriately.

And the one nuance that I would like to speak and with respect for this is that the NRC is an independent agency, it's not an executive-level agency. So there are portions of executive orders that apply to the NRC, and there are portions that don't apply to the NRC because of the nature of our mission.

And what the Commission asked us to do was go out look at this executive order and look at what's appropriate for an independent agency like the NRC to adopt and determine how well we are incorporating that

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into our programs, policies, and activities.

The second thing they asked us to do is to consider the practice of other federal and state agency and tribal governments. And this is a big activity that we're undergoing and something that we are really looking for feedback from our panelists today on.

It's like, hey, you know, what are the practices of other federal agencies and other state agencies. What tribal practices are there out there that the NRC should incorporate. And should the NRC look at these practices and evaluate how we are actually implementing environmental justice. And should incorporate environmental justice beyond just our NEPA program.

Currently, environmental justice is incorporated through our National Environmental Policy Act, and they just told us to hey, ask the question.

Talk to our stakeholders, talk to the public, and say hey, should we incorporate environmental justice beyond just the NEPA program.

The third thing was something that we're really looking for input from in our second portion of the panel discussion, and that's to review the adequacy of the 2004 Commission Policy Statement.

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And we know that since 2004 there has been an evolution of the concept of environmental justice.

And many federal agencies have expanded how they interpret that concept and have incorporated environmental justice into many other programs.

So, what the Commission told us to do is hey, you know, go back, look at the 2004 statement, and determine its adequacy and whether the NRC needs to revise or update the policy statement.

And the last is something that we're also looking for, you know, input from our panelists today, and actually in both sessions of the panel -- in both sessions of the discussion. In both the listening session and the topical workshop. And that's consideration of whether establishing formal mechanisms to gather external stakeholder input would benefit any future environmental justice efforts.

And we know that many of you have worked with other agencies, have worked with the states. And you know of many formal mechanisms that were -- that contributed positively to environmental justice programs. We'd like to hear that feedback from you today. Next.

So this slide just highlights what we've done. And as Margie stated in her introduction, we've

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had some significant outreach. We've had in-person meetings, which was of course a challenge under the COVID environment that we're working in. We are receiving comments from both members of the public, we're receiving letters. We're even receiving comments from our internal staff.

We've done focus interviews, both inside the NRC and within EJ communities. And we've actually had several tribes who have responded to our offer for consultation. So our outreach efforts are ongoing and they are very diverse.

So at this time, I'm going to turn the remainder of this session over to Mr. Chip Cameron, who will introduce our participants for our listening session.

Chip.

FACILITATOR CAMERON: Thank you very much, Gregory, and hello, everyone out there. Thank you for joining us for an NRC public discussion on the adequacy of the NRC's EJ policy. And I'm going to serve as the facilitator for the meeting, and we'll try to help you keep organized on time and coherent.

And as Gregory mentioned, there are two parts to today's discussion. The first part is a listening session with participants from grass roots

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organizations who have been active and concerned with environmental justice issues. The NRC would like to know what they can learn from your experience, including is there a better way for the NRC to communicate with the environmental justice community.

The second session is going to be a panel of national, regional, state, and tribal representatives. And their goal will be to have a dialog. Our goal would be to have a dialog among these panelists on environmental justice issues.

So we're going to start with having the listening session participants introduce themselves, and then we're going to go to each one of them for up to ten minutes commentary on their environmental justice perspectives. And depending on how much time is left in this first two-hour session, we may go on for public comment. So it will be people listening in from the public, and we'll bring them in.

And there may be even time for some commentary from those of you listening participants on what you heard from the other listening participants.

When we get to the panel, we're going to do the same thing. They'll introduce themselves, and then they'll each have five minutes for comment. And

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then we'll kick off a conversation, a dialog among the panelists, and I'll have an overarching question to ask the panelists. And then we're going to go for discussion.

As with the listening session, we'd like to go on to the public for some amount of time at the end of the panel discussion. And I would just say it's a privilege, a privilege to be working with all of you.

And I would just ask you to pay attention to the speaking time.

And I would also hope that in addition to all of your suggestions, that you might also provide some suggestions for the NRC that might be reasonable and possible for the NRC to adopt.

And let's go to the listening participants for introductions. And I'm going to start with Reverend Leo Woodberry. Reverend Woodberry, would you like to just introduce yourself. And then we'll go to Adrienne Hollis, Juan Parras, Leona Morgan, Jerry Pardilla, and Reverend Brendolyn Boseman, and Manna Jo Greene.

So could you start us off, Reverend Woodberry?

REV. WOODBERRY: Sure, thank you so much for this opportunity to share information that I'm

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hoping will form a framework that'll be both ongoing and historical. So my name is Reverend Leo Woodberry.

I'm the pastor of Kingdom Living Temple Church and also Executive Director of New Alpha Community Development Corporation.

And we work in the areas of environmental justice, climate change, and community economic development. Or as we sometimes like to say, we operate in the -- in the the nexus where the environment and economic development meet. And so we call that environomics.

And I'll stop there so that others of our colleagues can introduce themselves.

FACILITATOR CAMERON: Thank you, Reverend. And Adrienne, could you introduce yourself to us? Adrienne, are you on? Okay, we'll come back for Adrienne in a few minutes. Juan, could you introduce yourself? Juan, are you out there?

Okay, looks like we'll be coming back for Juan. And now let's go to Leona Morgan. Leona, could you introduce yourself? We're not going to have much to listen to.

MR. SUBER: People may have to unmute their lines.

FACILITATOR CAMERON: And we're going to

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come back to Adrienne, Juan, and Leona. But just a reminder, you have to unmute your line if we're going to be able to hear you.

Jerry, Jerry Pardilla?

MR. PARDILLA: Good afternoon, can you hear me?

FACILITATOR CAMERON: Yes, we can, hi, Jerry.

MR. PARDILLA: Very good. Good afternoon. I'm Jerry Pardilla. I am a citizen of the Penobscot Nation, and present day central Maine is where I originally hail from. I'm the Director of the Office of Environmental Resource Management with the United South and Eastern Tribes.

We're an intertribal consortium of 33 federal recognized tribal nations from the northeast woodlands, down the Atlantic Seaboard, to the Everglades, across to the Gulf of Mexico. And I'm pleased to join you today for this panel listening session and later for our wider conversation. So appreciate the invitation.

FACILITATOR CAMERON: Thank you very much, Jerry. And we're going to go to Reverend Boseman and Manna Joe Greene. Then we're going to come back to see if we have Adrienne, Juan, and Leona with us.

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Reverend Boseman, are you on? And remember, we have to unmute the lines. Okay, we'll come back for Reverend Boseman.

Manna Joe, are you there? Okay, let's try Adrienne, are you with us now?

MS. HOLLIS: Yes, yes, hello, can you hear me?

FACILITATOR CAMERON: Go ahead, Adrienne, we can hear you.

MS. HOLLIS: (Simultaneous speaking.) I think people are dialing the wrong number. So that's what I did, and apologize.

FACILITATOR CAMERON: Oh, that's okay.

MS. HOLLIS: Thank you for having me -- yeah. My name is Adrienne Hollis. I am, excuse me, an environmental attorney, an environmental toxicologist, most recently from the Union of Concerned Scientists, where I was the Senior Climate Justice and Health Scientist, and now the principal at Hollis Environmental Consulting.

I've been working in the environmental justice movement for I think 30-plus years, working with communities disproportionately affected by the climate change. And I've very happy to be here, thank you.

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FACILITATOR CAMERON: Okay, thank you, Adrienne. And we're going to have one of your former colleagues on with us at the panel discussion, Ed Lyman.

MS. HOLLIS: Yes.

FACILITATOR CAMERON: And Juan, are you on, Juan Parras? And try unmuting your line just in case.

(Off-mic comments.)

FACILITATOR CAMERON: Okay, some participants called in --

MR. SUBER: These are only the people who are on the list in session two called this number, not everyone.

FACILITATOR CAMERON: Okay, here's the number for those of you on the listening session to call into. It's (800)369-1125. And the passcode is 47997#. Okay.

Leona, are you on? Okay, Leona is not there yet. Let's try Reverend Boseman. Reverend Boseman? Manna Joe, Manna Joe Greene?

And again, I'm going to repeat this call-in number for those you listening participants, (800)369-1125, passcode is 47997#.

And I think that since we have Reverend Woodberry, Adrienne, and Jerry on, that we could start

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out listening to them. And again, this is being transcribed, it's being recorded. So if you miss anything, you can go to that transcript, which will be available in ten days or so, and you can see what was said. But I think -- I think we should hear from Reverend Woodberry.

And Reverend Woodberry, are you ready to talk to us for ten minutes or so?

REV. WOODBERRY: Sure. So we need to start off by realizing that environmental justice is not a new concept. But as this nation began to establish itself, first with the industrial revolution and later on with manufacturing, and as we began to build out our energy infrastructure, that historically people of color, particularly African Americans and indigenous people, have lived in communities that had the most toxins. They had the most chemical releases. And that this is a legacy that goes back to the 1800s.

And so initially we talked about it -- we talked about environmental racism. So that was based in large part to much of the work done by Dr. Robert Bullard and others who highlighted the fact that siting was a huge issue when it came to any kind of facility that could cause harm in terms of health and economic disparities with communities to expand them.

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So it was only, you know, in the late 80s, 1908s and 1990s that we began to grow and expand the concept of environmental justice so that now it is literally something that for-profit corporations have moved forward and established bodies to address this.

Philanthropic organizations are funding this work.

Nonprofit organizations, state agencies, city agencies, and governmental bodies are all incorporating environmental justice.

And as Gregory Suber said, it has been -- it is an evolving, an evolving concept and process.

And so I'm hoping that with this conversation around environmental justice we can help NRC to evolve beyond the 1954 Atomic Energy Commission and the 1974 and 1994 documents, executive orders, etc. that have caused NRC to move forward somewhat in terms of environmental justice.

So realizing that it has evolved a lot since then. Look at how we can have NRC drill down deeper and expand conversation and interactions with environmental justice leaders, environmental justice communities so that we're not behind, but rather NRC hopefully will be helping to lead the way in terms of dealing with this issue.

So I'm going to stop there so that some

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of my other colleagues can weigh in.

FACILITATOR CAMERON: Thank you. Thank you very much, Reverend Woodberry, and let's go to -- let's go to Adrienne, Adrienne Hollis. Adrienne, could you talk to us now?

MS. HOLLIS: Yes, I can speak. So in addition to what Reverend Woodberry said about the historic -- the role that historic racism has played, systemic racism and place-based racism, which has put communities in positions where they are exposed to substances, there is also a need to adjust or readjust perceptions.

There are a lot of perceptions, because I heard them, that most environmental justice communities do not live near nuclear sites or nuclear reactor sites, in close proximity to them, I should say. And that is just not the case, as I was hoping we could hear from Dr. -- excuse me, from Reverend Boseman and others, that this is a common source of exposure.

And I think that we need to know that, that the NRC needs to be more aware of that I think, because I've heard that too many times. And in addition, I think the approach to addressing environmental justice issues in relation to these facilities needs to be

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changed, and it needs to be more of a partnership approach, right.

Because while a lot of what we hear in the literature talks about the value of nuclear energy, nuclear power, you know, that's confusing for some people because they know about exposure to contamination from nuclear facilities. And while that might be different, I think that those concepts need to be identified -- they need to be discussed in more detail.

And as a part of that, more sessions like this, more listening sessions with community members.

But also more of a partnership approach so that we can -- so that people can learn about what these preconceptions are or what's being ignored or what's not being addressed. And that's only going to happen in partnership with communities.

I think that another issue that needs to be addressed is the fact that I've been told or I've heard that when we talk about working in this area or having expertise in this area, it doesn't include people of color. And so that's something that NRC needs to be aware of, is the diversity in this, you know, in this area.

So I think that once there's a -- there's

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a deliberate attempt to work in partnership with communities and to also address the fact that, you know, there is some diversity but, yes, more is needed, and that there is a difference between nuclear energy and whether that's a positive or negative for communities, that needs to be addressed.

And that's all part of cultural awareness, right, that once the we -- once the NRC starts putting communities first, out front, and in discussion as equal partners, I think that a lot of the misconceptions and concerns around nuclear power and nuclear energy and nuclear facilities are going to be addressed.

And I'll leave it there for now. Thank you.

FACILITATOR CAMERON: Okay, thank you. Thank you very much, Adrienne, for those good comments.

And we're going to next go to Jerry Pardilla. And then we're going to go back and see if we can pick up Juan, Leona, Reverend Boseman, and Manna Joe Greene.

So Jerry, are you ready to talk to us?

MR. PARDILLA: I am. And in keeping with my co-panelists, I would like to make my comments brief to allow for us to have discussion afterwards.

First, I would like to just recognize the NRC for seeking to include or combine tribal interests

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into its strategy, this environmental justice strategy for its programs, policies, and activities. I recognize and am first to say that there are many similarities with the very broad environmental justice community with the issues that tribal nations face.

However, there are some very specific distinctions. And that's where I would like to focus most of my comments. And my comments are geared because of my orientation and where I work with an organization comprised of member tribal nations who have federal recognition status.

My comments are really about drawing the distinction when the NRC engages federally recognized tribal nations in environmental justice issues.

So first, what is a critical distinction is that tribal nations, especially those who are recognized by the United States and listed in federal -- Federal Register notices required by the Federally Recognized Tribes List Act of 1994 as being sovereigns and the United States has government-to-government responsibilities and relationships with.

So this is an important distinction. Because sovereign tribal nations have inherent rights, the governmental powers, and regulatory authority in a way that a diverse set of environmental justice

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communities may not have. So and those powers and that status has certain requirements for NRC to recognize.

And then I draw your attention to another executive order, 13175, on tribal consultation. And this really is part of the framework that I would refer you to.

And that executive order and the way that there are certain protocols with tribal consultation.

So the idea of this listening session is one that has had broader application with federal agencies engaging tribal nations for a number of decades.

And so I would encourage the examination of Executive Order 13175 when including or conducting outreach to federally recognized tribal nations.

And in that -- in that point, I would recommend some bridge or an element in the NRC EJ strategy that would connect the EJ strategy to the tribal policy statement that was shared with us for this listening session. It's not clear to me how that would be incorporated into the EJ strategy, but that's a recommendation that I would -- that I make.

And further along that tribal policy statement, it's unclear to me when that tribal policy was published, approved, implemented. If it has had any revisions. It's unclear. So it would be helpful

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to have some background information about that policy statement.

Along with that, what kind of consultation process was associated in the development of that tribal policy statement. And an indication of what level of tribal engagement there was in its draft and promulgation.

And looking specifically now at that tribal policy statement, I would encourage more definitions to be a part of that document. That policy statement is looping together a number of categories of tribal nations from those who are federally recognized, state recognized.

And then there's a -- and whether or not there might be some other unrecognized indigenous communities. But there needs to be some precision about definitions of for whom that tribal policy statement is encompassing.

And then finally, that in the policy statement that there is a recognition that federally recognized tribal nations as sovereigns have their own internal public participation processes on their decisions and activities.

So that there'd be a recognition of an internal process and one that might be comparable to

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a NEPA process. Although tribal nations may have their own internal process, I'm aware of a few that have adopted their own parallel environmental policy statements. That's an area that should also be recognized in that policy statement.

So again, just in sum, I would just say that there is -- there are some distinctions for when reaching out to tribal nations and for their inclusion in environmental justice discussions and policies. And I'd be glad to participate in the conversations about these later on today and beyond.

I'll conclude there.

FACILITATOR CAMERON: Thank you. Thank you very much, Jerry. And very important to note the sovereign character of tribal nations, and also the executive order on consultation and how the NRC should tie all those together with environmental justice. So, very good.

Let's see if Juan is on. Juan, did you manage to get on yet, Juan Parras?

MR. PARRAS: Can you hear me now?

FACILITATOR CAMERON: Yeah, yeah, yeah. Hi, how are you doing? And if you could just briefly introduce yourself and your organization, and then give us up to ten minutes' thoughts on how the NRC can improve

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the adequacy of its environmental justice approach.

So I'll just let you go, go ahead, go ahead, Juan.

MR. PARRAS: Okay. Good morning, or good afternoon, wherever you are, right. Anyway, my name is Juan Parras, J-U-A-N P-A-R-R-A-S. And I'm the Director of Texas Environmental Justice Advocacy Services, acronym is TEJAS. And we have been doing environmental justice work since 1994 or right before 1994, so that's a long time.

In reference to what we're talking about right now, I want everybody to know that the state of Texas and Midland-Odessa area where the Andrews, Texas is, has been accepting low-level radioactive waste probably for the last 15, 20 years. And now, the same company has applied to take in high-level radioactive waste, and it's been approved.

So we have multiple issues with the regulations for nuclear waste. And we certainly have become the dumping grounds for the nation where everybody's shipping their low-level and high-level radioactive waste to our state. The area that it's coming to is called the Permian Basin.

Currently the Permian Basin is in a boom due to fracking. And you know what fracking does, it causes a lot of earthquakes, it causes a lot of water

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contamination. And all of those things are happening in West Texas right now.

To accept this high-level radioactive waste, there's a possibility that another severe earthquake could leak all this radioactive waste. And I know it's in containers, but something can happen.

It could actually contaminate the Ogallala Aquifer, which feeds, or it supplies eight states' drinking water, the Ogallala.

And this low-level radioactive waste, or the site of it is right there in Andrews, TX, right above the Ogallala Aquifer. What we're trying to do is we're trying to stop all this nuclear waste coming into our state.

We have a lot of environmental justice issues throughout our state. I currently live in Houston, TX, and we call it the belly of the beast because of all the industry. And there's cumulative, huge amount of cumulative impacts that are impacting our communities because of air toxins.

So anyway, I will not expand on anything else, but do not want low-level or high-level radioactive waste anymore coming to our state. And these are environmental justice issues impacting all our communities throughout the nation, not just, you

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know, here in Texas or the Panhandle.

I'll cut -- I'll stop there because there's a lot to talk about when we talk about environmental justice communities and those communities that are being impacted.

Thank you.

FACILITATOR CAMERON: Okay, thank you, thank you very much, Juan, for that information about Texas. And we may hear something similar from Leona. Leona, are you on?

MS. MORGAN: Yes, can you hear me?

FACILITATOR CAMERON: Yes, we can.

MS. MORGAN: Okay, this is introductions?

FACILITATOR CAMERON: Yeah, give your introduction. But since, you know, we're spending the time, introduce yourself and your organization and then give us your suggestions, your comments on the NRC EJ adequacy.

MS. MORGAN: So is this my ten minutes right now, or is it intros and then I have my ten minutes to present?

FACILITATOR CAMERON: You can do your intro, and then we'll start the ten minutes after your intro, okay?

MS. MORGAN: Okay, Chip, thank you.

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(Native language spoken.) to everyone out there listening. (Native language spoken.)

Hello, everyone. I am Leona Morgan, and I just shared my clan. I am Dine. My people are indigenous to the Four Corners area, the southwestern part of the United States. And my mother and father are from what's called Eastern Navajo Agency, which is in northwestern New Mexico, a place that's been severely impacted by uranium.

And my people are Dine. Our government is the Navajo Nation. And I am here to present not as a government official, but I will make some comments on tribal government-to-government consultation and things of that nature.

And so today I am representing the community voice on some of this issues that we've had with the Nuclear Regulatory Commission. I will present as a community member on the failures of NRC in its obligations to uphold -- and I will present today on the failures of the NRC's obligations to uphold environmental justice on a community level.

And so, yeah, so I, I guess that's my introduction. I represent a few organizations locally. Dine No Nukes, the Nuclear Issues Study Group, Haul No! in Arizona. Nationally, I'm with the

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National Radioactive Waste Coalition, as well as an international group called Don't Nuke the Climate.

And so today I will be presenting on several topics and several different levels of engagement the NRC needs to undertake.

So first of all, I just wanted to start with a little bit of background information. I appreciate the other panelists. I'm thankful to my colleagues here today for all of your work that you've done and the examples we've heard already are excellent.

And I would also ask that whoever's phone is not muted, if you could please mute your microphone.

I hear some sneezing. Bless you, by the way.

Okay, so as a Dine person growing up on the Navajo Nation, it is basically common knowledge for every Dine person that our land has been contaminated, severely contaminated by uranium. And so when we look into the history of just the uranium issue alone, because this is where the nuclear industry comes from is the exploitation of what we call (Native language spoken.)

So in Dine, we have a word for what you call uranium. And many indigenous peoples all over the globe, maybe even I would guess to say most of,

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-- most of indigenous peoples have stories about this element that we call uranium. So our people, we knew about uranium and we were taught about uranium. And we were told to leave it in the ground.

So this is a traditional teaching that we honor, and has been disrespected, not just by the United States Government, but it continues to be exploited by private corporations today.

So when we go back into the background of what is NRC and what we're all here for today, we need to deconstruct why the NRC exists. And we can go back to the Atomic Energy Commission, we can go back to, you know, World War II and all of these things.

But it goes even further back, all the way to the 15th century, to this thing called the doctrine of discovery. And we -- most, I would say indigenous peoples in the United States, it is common knowledge that this was our country. This was our land. And the United States came in, with force, committed genocide against our people.

And I bring this up today because it's part of the essence of why NRC needs to look at EJ, because of the design and the construction of the United States and the United States policies going back to 1872 Mining Law and everything that has to do with anything nuclear.

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This is -- this whole thing that we're talking about here today, it has to do with imperialism, it has to do with capitalism, racism, oppression, exploitation. And it cannot exist without any of these operations. It's the pure essence of nuclear, the nuclear industry to exploit and to oppress and to kill.

Because the uses of nuclear, besides energy and weapons, are for imperialism and to hurt other humans. And so knowing this, the root of, you know, uranium and the uses of it and the effects of it, it all goes into -- it all points to one direction, which is harm to our human health and our environmental health.

And so this is how I want to start my comments, is just basically to lay this foundation that the United States was built on a system of exploitation and systematic, systemic racism. And this how the NRC continues to operate.

And so we can't just make comments today, we really need to go back into why the NRC exists, how these -- how the whole institution was created and start to dismantle some of those pieces and rebuild it into an agency that is really going to be there to protect the health of the public and the environment. And

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hopefully will uphold its mission statement. I mean, that's what -- that's what we hope the NRC will do.

So some of the issues that we've been experiencing, especially here in New Mexico, there are several cumulative impacts from nuclear. So again, the history of uranium exploration.

We have over 15,000 abandoned uranium mines across the country, all of which need to be addressed on some level and need to be handled across the board in some fashion that the federal government will not only research and fund, but to do a good job across the board cleaning up all of these abandoned uranium mines.

Yes, this might not go under NRC's purview, but it's all connected. Because when you have uranium mines, you have uranium mills and processing. And so we really need all of that old mess cleaned up before we can talk about any kind of new nuclear.

So that's the number one thing is we need to clean up all of the old radioactive waste. And we need to stop making new radioactive waste until we've properly dealt with the waste that exists to the community's satisfaction.

So that means low-level, high-level uranium, all the waste that's out there, mixed,

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everything. We need to take care of it with the community's voice and to their satisfaction at the forefront.

Especially on Navajo Nation, because right now we're dealing with a lot of cleanup issues, and this is one of the only places where we are actually getting some cleanup. But the Navajo Nation government doesn't have an equal seat at the table with the United States EPA.

And this is -- this is relative to the NRC because when you were talking about New Mexico, this year alone, I have been, well, the past two years during the pandemic dealing with three different NRC public comment periods that the NRC held virtually in -- for meetings that are for the public in New Mexico.

So we had a meeting on WCS. Yes, that's in West Texas, but that concerns New Mexico. We had Holtec, both CIS facilities. And then we had this NRC process on the cleanup of Northeast Church Rock Mine.

And all of these meetings, these public meetings were held virtually where people in New Mexico don't have guaranteed access to broadband internet. And some people don't even have access to a phone line.

So the way NRC operated during the pandemic, and even during this -- during this listening

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session, all of these examples of how NRC is communicating to the public are demonstrative of the failure of NRC in doing meaningful outreach and really listening to the public.

All of our public comments that were made were not -- I didn't see any of them considered within the decisionmaking of the NRC. As we saw the license issue for WCS just recently, like Juan spoke of. And so when you're looking at New Mexico as a state, a total community, one state having so many nuclear facilities and NRC not considering the cumulative impact, that's just criminal.

And so some of the issues that we're dealing with specifically with NRC is that EJ is not considered across the board. We need environmental justice policy to be implemented not just within the NEPA process, but within the Atomic Safety and Licensing Board, within the representation the Commission, within every aspect of the NRC and exhibited through the actions of the staff.

So the staff need to understand and be aware, not just cultural sensitivity, but the staff need know when they're dealing with people, dealing, especially dealing with people of color and indigenous people, there's a lot of ignorance that needs to be

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addressed.

And so it's not enough for NRC just to review its policies. But we need to see change in not just the policies, but the actions of the staff, all the way up to the Commissioner and within the decisionmaking. So representation of the decisionmaking bodies has to reflect the community for which it's making decisions upon.

So that's something that we need to see as EJ across the entire NRC. When we were filing our contention, some of our EJ contentions were thrown out in regards to CIS. Specifically, with the transportation of high-level waste across the country.

A lot of those rails are going through EJ communities but yet don't have a voice because NRC only looks at the communities within a 50-mile radius.

And so what does that mean for someone like me or any indigenous person who's also concerned about their communities at home and their sacred places? So we have, not just as indigenous people we're not just concerned about our families living here today, we're not just concerned about our future generations.

We're also concerned about our cultural resources, the metaphysical properties and everything

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that sustains us as indigenous peoples moving forward.

And that's something the NRC really needs to try to understand. And this cannot be something that's done with tribal consultation or through checking a box dealing with tribal consultation. The NRC cannot just send out letters to the federally recognized tribes. There has to be much more meaningful engagement across the board, especially with unrecognized tribes.

I'm not a tribal government official, but I do know that there are -- there's a severe lack of resources when it comes to tribes. And sending a letter doesn't do much. There needs to be meaningful followup. And some tribes don't even have the staff or the resources to respond to that email.

And so not just for tribes but with any EJ community, the NRC needs to level the playing field.

They need to stop putting the burden of proof on communities. We need resources. We need equal, equitable resources that put us at an equal playing field with industry and with the NRC.

That means resources for legal and technical assistance. And this has been done before.

There is a precedent where the state of Illinois provided funding for expert testimony for a licensing

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of a low-level waste dump back in the 90s.

So there is precedent where we can have resources provided for us where the burden of proof is not always on us. And to have that kind of funding so that we can do the job we need to do to protect our communities.

And so finally, all of these suggestions that you're going to hear today, the NRC -- I think it's -- I think we all know your EJ policy has not been reviewed for over 15 years, so since 2004. But even ten years prior to that, there was a mandate of what NRC is supposed to do. Every federal agency across the board is supposed to have EJ strategies, policy, and should have been implementing all of these actions by now.

And so as we are happy that the Administration is finally making a stronger commitment to EJ, we need to see action. We have a lot of expectations, and we are watching you. We have all of the panelists here today, everyone listening.

I think with all of the folks together, we will be watching you, NRC, and making sure that you are going to put action into these recommendations that we're giving today.

And this is not going to be just a box that

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you check and move on with business as usual. Because we in New Mexico are tired. We are done with nuclear.

We're ready to clean up. We want to heal.

We do not want Holtec. We do not want more uranium mining. We don't want SMNRs, we don't want any of the stuff that is being pushed by the nuclear industry.

And with that, as an EJ community and as an EJ representative, we are saying no, and we're telling you, the NRC, we need you to say no as well.

And to make sure we clean up all of the radioactive waste that's all over the country before we start making new waste.

And hey, let's not even make new waste.

Let's just stop making waste and clean up our communities for our future generations.

Okay, thank you, Chip.

FACILITATOR CAMERON: Okay, thank you to Leona, including calling everyone's attention to the whole concept of discovery. Amazing. And for the example from the state of Illinois about the type of thing that might done to help out EJ communities.

And with that, let's see if we have Reverend Boseman, are you on?

REV. BOSEMAN: I am. Can you hear me?

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FACILITATOR CAMERON: Well, why don't you, yeah, introduce yourself. And then when you're done with your introduction we'll start your 10 minutes running of what your thoughts are on improving the adequacy of NRC's EJ implementation.

So, go ahead, Reverend Boseman.

REV. BOSEMAN: Very good. Can you hear me?

FACILITATOR CAMERON: Yes. Yes, we can.

REV. BOSEMAN: Very good.

Good afternoon. I'm so delighted to join you today. I'm Reverend Brendolyn Jenkins Boseman.

I am the executive director of The Imani Group. We're a community non-profit located in Aiken, South Carolina. Our offices are located in Graniteville, South Carolina.

I'm pastor of the Hudson Memorial Christian Methodist Episcopal Church in Augusta, Georgia. I'm delighted to be here.

Our programmatic areas at The Imani Group are criminal justice, environmental justice, and youth leadership and development. Our effort is the elimination of SCARs in the global community. SCARs is an acronym for sexism, classism, ageism, and racism.

So, I'm delighted, again, to be here with you all today and that NRC finds that it's worthy to

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even have this listening session, and to invite the community folks to interact.

One of the things that recognize, that NRC seems to be recognizing is the need for some environmental justice advocacy, or environmental justice work within your agency.

You may not be a cabinet-level agency, but you certainly are major to our community, as I live less than 10 miles that you don't regulate from the Department of Energy's Savannah River site, and less than 30 minutes from Southern Company Georgia Power's Plant Vogtle.

So, when we're talking about the fact that your agency does not have environmental justice on actively or at work, that is a major concern that NRC is, being so vital, does not have a record of community stakeholder involvement. Or, as the executive order, or EJ, has defined as meaningful involvement.

And while we can go around the sidelines to find meaning of environmental justice, we also know that it has to do with anything that affects the air, soil, water or the environment, where we live, where we work, where we play, and where we pray.

And so, again, as I said, we are miles from Plant Vogtle. And there is no involvement of the NRC

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in that community with the community, that community Shell Bluff, that lives largely around that in South Carolina; the debacle of the V.C. Summer, billions of dollars potentially going to be passed on to consumers; or the Westinghouse facility in Columbia. All of these are sited in largely African American communities. Even if we look at the DOE Savannah River site, that's an entirely displaced African American low wealth community.

And so these, these facilities are sited in communities with socioeconomic concerns. And the distant community may benefit, but the communities at large do not enjoy the same economic impact.

So, some advice that I'll come with that is strictly for the NRC would be establishing an environmental justice committee or advisory panel, made up of members of the community or community stakeholders;

That the NRC as well as other agencies learn to respect the competence and the capacity of communities, communities, bi-part communities, that when you come to our community you come in a co-creative position and process and not patriarchal, or top-down, as so often is the case;

That you deal with communities not only

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in a culturally sensitive manner, but in a manner that's cultural, cultural with cultural competence. And so that, that is important.

And for those who don't think the community need be involved, especially with emergency preparedness, again as I said, we live 10 minutes from Savannah River site and 30 minutes from Plant Vogtle.

And on Valentine's Day of 2014, we had this winter with an ice storm that came through our community, and in one week we had an ice storm, a tornado, and earthquake whose epicenter was right near one of the facilities.

So, that, that causes us to now look, it's touted as clean renewable, that is not the feeling of our organization. Because if I talk to the Leona of the Dine, then she will tell you how nasty yellowcake is and that impact to the community.

If I talk to Juan, who can testify as he did, to the thousand years of storage of the nastiest stuff with an end life of thousands of years, half life.

So, while in the middle, the middle age of nuclear might look appealing, but for those of us living in these communities we know that that is not the case.

So, on one hand I thank the NRC for bringing

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us to the table to at least begin a discussion. I hope it's meaningful. I hope it's not just checking the box and you go back into your corners and feel good that you called us in. But the fact that you called this group in means that we are going to be looking at your next move and holding you to account.

You troubled our waters to have us participate, and so we just think that an appropriate process that we begin to trouble your waters to move forward in an order that's inclusive, and not those of us that are on this call, certainly those in our communities.

And I'm going to pause there. And thank you very much, again, for this opportunity.

FACILITATOR CAMERON: Thank you for those comments, Reverend Boseman.

And we're going to come back to some of those, those issues.

We're going to hear from our final participants in terms of their introductory material, their 10 minutes. And we're going to see if we have Manna Jo. Are you on with us now?

MS. GREEN: I am. Can you hear me?

FACILITATOR CAMERON: You're welcome. And I'm going to see if we can turn you up a little bit,

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audio here.

Oh. Yeah, we're at maximum.

MS. GREEN: Does this help at all if I take it off speakerphone?

FACILITATOR CAMERON: Yeah. That's great, we can hear you. We can hear you very well. Thank you, Manna Jo.

MS. GREEN: Okay. Thank you very much for including me in this very important conversation.

I'm Manna Jo Green. I'm the environmental director for Hudson River Sloop Clearwater. And for those of you who are not familiar with the organization, it was founded by Pete and Toshi Seeger back in the later 1960s. And so, for 50 years we've been concerned about protecting the Hudson River and ensuring quality of life for everyone living in its watershed.

And back in, oh, I think it was 2010, when Entergy asked to relicense Indian Point for another 20 years even though it had been -- it was an aging facility with a lot of problems, Clearwater got very involved.

Actually, it was 9/11 that struck an alarm for us, and we started to look very closely at Indian Point. And we filed what I think is the first environmental justice contention in a relicensing

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case. We worked really hard. And we used the best available academic methodology, but we also cared.

And we went out and we asked social justice leaders and health leaders in the community surrounding Indian Point, who else do we need to talk to? And, eventually, we had many, many participants and a team of eight very diverse witnesses in our environmental justice case.

That case also cost Clearwater \$15,000 in discounted legal fees. And it was a very robust examination of what might be disparate impacts on communities of color and low income in Peekskill, and which is an environmental justice community, designated so by the state.

And that, that led to a decision by the Atomic Safety Licensing Board that said that Clearwater did such a good job in filling the gap, in filling the void in the public record that neither Energy, the plant owner, nor the NRC needed to do an environmental justice inventory or assessment that is required by law.

So, we considered that it was a very nice compliment. And in that sense we won the case. But, actually we lost because we were modeling what needed to be done and not what was actually done by either the owner or the Nuclear Regulatory Commission.

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And then in terms of outreach, I touched on that, where we, we worked hard to find out who might be impacted, to the point that we even went into Sing Sing Prison and interviewed inmates at Sing Sing. And their concern was whether there would be adequate potassium iodide on site, and many, many other concerns. But it was determined outreach. And we overcame any obstacles, including translation and whatever else was needed.

Currently, we are continuing to work with communities up and down the Hudson River on the issues related to decommissioning. Indian Point was fully closed in April of this year. But there's almost 2,000 tons of nuclear waste, high level nuclear waste stored on site. And that poses dangers in and of itself.

So, we have been educating communities about that, and also investigating what are the environmental and climate justice issues that they are facing, and finding ways to support mitigation and actual, as Leona said, actions, not just identifying problems and checking a box, but what can be done to reduce the danger? What can be done to promote equality, and so forth.

So, in that regard, one of our colleagues, Dave Kraft from NEIS, in his comments that have already

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been submitted, is recommending the establishment of an environmental justice advisory board that's similar in scope, operation, jurisdiction, and legal powers to the ASLB, the Atomic Safety Licensing Board.

And that the panel be ongoing and participate in all of the cases that are before the NRC, whether it's a new license or a relicensing, or a determination to transfer license and create a plan for decommissioning. All of that should have environmental justice, meaningful, effective environmental justice input, and should be funded.

And I also support the idea of funding EJ communities to participate.

And speaking of the waste that is left on site, the legacy of 40 years of operating three and then two nuclear energy facilities, most of us in this community, I would say the vast majority, do not want to see this waste shipped to Texas or New Mexico: number one, because of the danger that it puts all communities, but along the transportation routes mainly environmental justice communities between New York or California to Texas and New Mexico.

If you look at those routes, they are absolutely running through EJ communities and adding another danger where there would be disproportionate

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impacts because people don't have personal transportation. And then there's an accident and they need to flee, they would not be equally able to.

So, those are some of the main issues.

I wanted to also go back and cite the original -- you know, we're talking about this in 2021.

But in 1991 there was a national, first national people of color environmental justice leadership summit that created the 17 principles of environmental justice.

And there are four that -- three that I'd like to -- there are 17, but I want to just call everyone's attention to the fact that environmental justice calls for universal protection from nuclear testing extraction, production, and disposal of toxic hazardous waste and poisons, and nuclear testing that threatens fundamental rights to clean air, land, water, and food.

And I want to point out that why we don't want to see this material shipped to Texas and New Mexico is that they've already suffered from the time of Trinity, the first atomic testing, through mining and milling and processing, and now proposed natural storage. That is an absolute violation of the principles of environmental justice.

It also demands the right to participate

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as equal partners at every level of decision-making, including needs assessments, planning, implementation, enforcement, and evaluation. And I think that, that principle underlies the suggesting and recommendation that Dave Kraft made that I just spoke of.

And, finally, it must recognize -- this is the 11th principle -- it must recognize special legal and natural relationships of native peoples to the U.S. Government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

And I think when we started this process in 2010 and had our -- and won\lost our environmental justice contention in 2012, there was not as much information available. A lot of data has been collected, methodologies have been improved.

And I would strongly recommend going back to Dr. Robert Bullard; Aaron Mair, who's on the board of Clearwater; Peggy Shepard, who is a founder of WE ACT; NISEJA; and also the National Environmental Justice Advisory Council of EPA, and the White House Advisory Council. There are many people that can help the NRC do what needs to be done. But, mainly what needs to be done is to minimize negative impact on

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communities of color and low income and First Nations people. That is the primary basis for our work and the work of all of the people you have kindly invited to be on this call.

And, honestly, I think if you look at that, it means don't produce any more nuclear waste, and don't dump on people that have already been overburdened.

Thank you.

FACILITATOR CAMERON: Okay. Thank you. Thank you, Manna Jo, and including the example of what David Kraft proposed.

And I just want to go back and make sure that Reverend Woodberry, who started us off, and he was, he was very brief because he wanted to make sure that we heard from everybody. I just want to give Reverend Woodberry a chance to speak some more.

And we heard some very, very articulate recommendations and suggestions from all of you. And some, some were dramatic. And I'm not using that in a negative way. But some were dramatic. I'm thinking about what Leona proposed.

A number of you also talked about getting the communities more involved in a partnership. And there was a suggestion from Reverend Boseman about an environmental justice advisory committee. I think

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that the example that Manna Jo brought up from David Kraft takes the advisory council suggestion further by making it part of the adjudicatory process.

So, I want to go back to Reverend Woodberry to see what else he has to say. And if he wants to comment on any of these community partnerships, advisory committees, adjudicatory committee, if he wants to talk to any of that, we'd like to hear it.

And then I'd like to go to others in the listening participants who might have something to say about these community partnership ideas.

And I would just remind everybody to just mute. If you're not talking at the time, just, please, mute your phone.

So, Reverend Woodberry, can you start us off on a discussion of these issues now?

REV. WOODBERRY: Well, I want to say thank you to my colleagues who were allowed to speak. I want to let everybody get a chance to express themselves and share, and submit (unintelligible) not creating something new and (unintelligible) (audio broken up). (unintelligible) degradation.

(unintelligible) of the NRC, (unintelligible), one, public health; two, (unintelligible). That means that all of the things

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that have been talked about today should be taken into consideration. The only thing that NRC should know what the (unintelligible), the security, or even local security is to hear directly from the community. That is (unintelligible) the creation of these (unintelligible).

And I recall the People of Color Summit back in 1991 (unintelligible).

COURT REPORTER: This is the court reporter. I apologize for interrupting. I'm having a hard time clearly understanding Reverend Woodberry.

FACILITATOR CAMERON: Thank you for that.

I guess we're getting some, some type of static over the lines here, Reverend. I don't know if there's anything that you can, you can fix along those lines. But you heard the court reporter.

And we're going to get you, you know, we're going to get you as well as we can. But if there's anything you can do to eliminate the static, or maybe get closer to the phone, or whatever, that would be good.

Go ahead, Reverend.

REV. WOODBERRY: I can just stop now.

I'm sitting in the exact same place that I was when I was speaking earlier.

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Can you hear me better now? Because I'm no longer --

FACILITATOR CAMERON: It's much better now. And I'm hoping the stenographer can hear that.

And, stenographer, can you hear me?

COURT REPORTER: Yes, sir. I can.

FACILITATOR CAMERON: Okay. Oh, good.

And when, if the Reverend seems to have cleared the problem up. So, we're hoping you can get his, his comments down.

So, go ahead, Reverend.

REV. WOODBERRY: Okay. So, as I said, you know, the Emergency Regulatory Act of 1974 created NRC and tasked NRC to look at the environment, public health, as well as national security.

We had the 1991 People of Color Summit that came up with the principles of environmental justice.

We have President Clinton's Executive Order 12898 that deals with executive orders.

So, all of the things, all of the pieces have already been put in place in terms of any agency, anybody being able to put in place an advisory group and follow the principles and executive orders that are necessary in order to have people's voices heard and solutions -- this is important -- solutions are

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being made in the beginning, which means that including communities not only in listening sessions, but making sure that we're at the table for planning, decision-making, conversations about allocation of resources, implementation, and evaluation.

And so, all of these things are already in place.

I think to a large degree what NRC should look at is how they can modernize what they have called their strategic plan around environmental justice, which is based primarily on, you know, on things that are, that were put in place a long, long time ago, decades ago.

And take into consideration not only the environmental impacts, but also the impacts that we're seeing now because of the climate crisis, and also the damage that's being done -- already been done to communities. And need to figure out a way that NCR(sic) can weigh in with more than just looking at guidelines that come from the White House PDQ, and more than just looking at NEPA which, you know, NEPA basically says do we need an environmental impact study, or do we need an environmental assessment done after the decision's already been made to build a facility.

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And so, I've just been listening to everything that my colleagues have shared and that I have shared. We need to be more proactive. NRC strategy around environmental justice needs to be modernized.

And we have to hear from the voices of the community and take into account impacts like the climate crisis and other things that have evolved around environmental justice that NRC has not looked at because they've been working under an old framework.

And I think the best way to do that is by putting together an advisory body much like those that already exist on the state level, city levels, and even with the state and other federal agencies.

And so, I'll stop there so we can get in some comments from others.

FACILITATOR CAMERON: Okay, thanks, Reverend.

And let me just ask Adrienne. Adrienne, are you still on?

MS. HOLLIS: Yes. I'm still on.

FACILITATOR CAMERON: Okay. You talked about a partnership with communities. And then we heard some examples from Reverend Boseman and from Manna Jo about setting up a environmental justice

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advisory committee, or taking it a step further, having some sort of an adjudicatory committee similar to the NRC's Atomic Safety and Licensing Board Panel, setting something up like that.

Would you like to comment on those ideas for us?

MS. HOLLIS: Well, actually I'll be quick because I totally agree with Reverend Boseman that there needs to be an advisory committee and some oversight from the community perspective.

And when I talked about partnerships, what I mean was, you know, community science is the most important, I think, the data source that's available.

Right? And, traditionally, it's been ignored because it doesn't follow, I guess, scientific protocol from the laboratory. And this is I'm speaking as a scientist myself.

But I think that that's historical knowledge. And the fact that communities have taken it upon themselves to engage in activities designed to protect themselves speaks volumes. And so, when I talk about partnerships what I mean is not the NRC or others coming into a community with a specific project or specific question and answer, a specific way to address a situation, but to actually work with

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communities as equal partners. Not like giving them a seat at the table because they already should have a seat at the table. Right? That is, you know, their right.

And as someone mentioned, the principles of environmental justice, if we could just take a look at that. And if you -- I just want to reiterate that communities speak for themselves, which is why it's so important that we have partnerships, and advisory committees, and guidance, and input on policy decisions.

So, I think in order for anything to be successful, that's going to be the way to go. And I would like to hold up a perfect example, and that's the work that was done on environmental justice with the Environmental Justice for All Act. That process of engaging communities from the very beginning and throughout the process, that's what needs to happen here.

And so, it's more about what the speaker before Reverend Woodberry talked about was -- maybe it was someone else talking -- we need to step outside of our own silos and think about communities differently because there's invaluable information that I think organizations and government agencies are

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overlooking, to the detriment of communities.

MR. PARRAS: Yeah. This is Juan Parras.
Could I make a few more comments?

FACILITATOR CAMERON: Yes, Juan,
certainly. Go ahead.

MR. PARRAS: Okay. One thing that I think
that we're not looking at is the ownership of the land.

I looked around when that area started to be developed
and Rick Hines with Greenpeace and I went up there to
the site when they were digging. And I told folks that
I still remember how huge they were, you know, how
deeply they were going down just to dig for where they
were going to store the low level radioactive waste.

And they had huge tractors that, you know,
those big ones that have almost, like, 10-foot tires,
huge tires. And as they were circling around to go
down to the bottom and then dig it out and then bring
some dirt up they looked like little toys, like those
little Tonka trucks. That's how deep they were digging
initially.

Now, the other thing that I'm thinking that
we haven't addressed is the financial situation.
Who's making all this money? And I also happen to know
who the owners that started to dig in there. But
there's a huge financial item that we're not

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addressing.

There's a lot of money to be made in the storage of this nuclear, you know, high level and low level radioactive waste. And to date, I don't even know of any funding that's going toward the community to at least say, look, we're trying to do this because we're taking this waste and we know it's harmful. And we want to give back something to the community.

But again, look, if we allow this to continue to happen, it's going to have to eventually be dumped somewhere else. And we're not looking at the financial situation. Now, who's making money? How much are they making?

And when you look at the tremendous amounts of money that's going into this for the owners of that property and for this business to continue, it's wrong to be dumped in areas like this.

What I would recommend is that those that make that waste product, they ought to keep it in their own land, their own, you know, whatever they own, instead of just trying to find areas that are secluded, or they think are secluded that nobody's going to be impacted by it. And then traveling all this distance again, maybe potential harm on the way to cause an accident. And they're not even harmed by it.

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The investors in this deal are not even harmed by it. Do they care about it? Probably not.

But I think that we ought to consult those who will be, or look at the finances in storage and in what's happening to address some of the concerns that we have from the investors.

You know, I think that point just needed to be made. Thank you.

FACILITATOR CAMERON: Okay, thank you very much, Juan.

And let me, let me ask Jerry. Jerry, you made a very important point about the, the executive order on consultation and some issues with the NRC tribal policy.

And, you know, we all talk about environmental justice, but when you're talking about tribal governments, it seems to me that, that the consultation executive order and which basically says that federal agencies should consult with tribal governments before they take any action that could have a impact on the tribal government.

And I think what you might be saying, Jerry, is that that consultation part is often missed.

And you just can't talk about environmental justice by itself.

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But I guess I'd go to you now. And I want to go to Leona next. I have a question for her. But, Jerry, could we, could we get a reaction from you to what you heard from your other participants in the listening session, including anything that you might want to say about the whole advisory council?

MR. PARDILLA: Well, thank you for reaching out to me. This has been very helpful to look at the scope and hear specific comments from my colleagues.

I share their concerns. And there are so many similarities to the issues faced by tribal governments. I started at the outset by saying that there are many similarities. But there are some distinctions when it comes to engaging the sovereign tribal nations recognized by the United States Government.

But, I relate. And the points of view expressed by my colleagues resonate with me. The elements that you raised about tribal consultation are often based on the way that federal agencies and their programs reach out to tribal nations.

And there are many tribal nations that have their own specific consultation protocols. And so, there's great diversity in how an agency, federal agency should consult and engage a tribal nation. It's

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not acceptable to just rely upon a Federal Register notice, or to send letters. We heard that from Leona earlier. That's notification, that's not necessarily closing the loop to ensure that there actually has been a positive contact, and that there is the start of an engagement or a consultation process.

There are 574 federally-recognized tribes. There are many other tribal entities state-recognized, unrecognized indigenous communities. There's different levels and quite diversity for how the agency should go about engaging with tribal nations.

There is guidance, however, in the executive order on tribal consultation for engaging or consulting with federally-recognized tribes.

I'll stop there. My mind is really very full with the comments of my co-presenters. And this has been a very engaging conversation. I can share the point of view that I've been a part of listening sessions for decades. And we're at the point where we need to move beyond having conversations to implementing and taking action.

So, I lean towards what we can do to take action.

FACILITATOR CAMERON: Okay, thank you.

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Thank you, Jerry.

And I want to just tune in with Leona before we go on to the public. There's a couple people who want to come in and talk to us.

And, Leona, you raised some important, and I've referred to it as dramatic before, changes that should be made to the whole framework of environmental justice. And I just want to before we go on to the public, I just want to ask you about what your opinions are of some of the advisory council recommendations, the David Kraft recommendations that we heard. Just want to just hear your viewpoints on, on that. It's not, it's not just what you recommended, but it might be, might be a start.

Can you talk to us, Leona?

MS. MORGAN: Of course. Can you hear me?

FACILITATOR CAMERON: Yes.

MS. MORGAN: Okay. So, a few things.

The recommendation is actually part of the 1994 Executive Order. NRC should have been doing this over two decades ago. So, yes, it's a great recommendation but it should have been already happening.

And I really, really, really just need to pump the brakes on this whole discussion because the

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level of discourse and your, how you're talking down to us, Chip, needs to be addressed.

Now, this is, this is part of the problem of NRC. Earlier I made a comment, and after I finished speaking you referred to something I said in terms of "discovery." To respond this way, I hope the rest of the NRC is listening, because this is the problem. When our government officials are talking down to us in this manner, to say "discovery" is to erase the thousands of years of civilization that existed here before the United States.

To use the word "discovery" is racist. To use the word -- all of, a lot of the terminology, especially this word "dramatic," we need to, we need to watch our language because these are not only condescending and insulting, but these show and exemplify the ignorance of the NRC in speaking to people of color and First Nations.

As an indigenous woman, as a person who has dealt with the NRC for more than 15 years, this is, this is the root of the problem is not understanding the history and what's going on today. You cannot have the nuclear industry without uranium. And uranium has hurt people of color and indigenous people the most. Uranium and the early policies of the United States

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Government were all based on systematic genocide.

And I want to inform the NRC that the United States no longer has a policy of genocide. So, the use of this word "dramatic" or "discovery" is perpetuating that racist --

FACILITATOR CAMERON: I'm going to have to interrupt you because we do have to go to the public for a few minutes. And I only --

MS. MORGAN: Excuse me. Excuse me, just --

FACILITATOR CAMERON: I only mentioned the word, I only mentioned the word "discovery" because you brought it up. But I just thought that people should be aware of what you were saying.

So, we're going to go --

MS. MORGAN: I was speaking --

FACILITATOR CAMERON: We're going to go to the public.

MS. MORGAN: -- about doctrine of discovery.

No, Chip, this is my time. This is my time. You're going to listen. Because I am not done. This is my time.

MR. SUBER: How are you doing, Ms. Morgan. This, yes, this is Gregory Suber. And we do have

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people on the line.

I would also remind you that you can submit comments --

MS. MORGAN: I was given the time.

MR. SUBER: -- you can submit comments in writing to the NRC or you can call on the line.

MS. MORGAN: I am answering, I am answering the question.

The Navajo Nation's Superfund director has tried with little success to educate the NRC on how to have respectful conversations. And that's what I am trying to allude to is we --

MR. SUBER: Okay, thank you. So, now we're going to go to the line with the first public participant.

OPERATOR: Just a reminder, to ask a question press star-one.

I have a question from David Rosen. Your line is open.

MR. ROSEN: Thank you. Can you hear me at this point?

FACILITATOR CAMERON: Yes, we can.

MR. ROSEN: Great. I am David Rosen. I am an oil and gas geologist in Midland, about 50 miles from Andrews and the proposed ISP high level nuclear

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dump that's been licensed about a week ago. And I've been working with a very diverse group of people to try and stop this dump from receiving high level nuclear waste.

They're democrats, republican congressman, republican county commissioners, democratic county commissioners both in Andrews and Midland and across the state that were all against the NRC licenses and that was recently given to ISP for a high level nuclear waste in Andrews County.

And I really appreciate all of the previous comments where the participants were well aware of the Andrews low level dump that is proposed to be a high level nuclear waste dump. Not only did the Andrews County commissioners recently pass a resolution saying that they don't want it, the State of Texas passed a law in the last few weeks saying that we don't want this high level nuclear waste coming through Texas, not just a resolution but a law.

And it's industry and environmentalists have been pursuing the court cases against the license.

And it's clear that the NRC is completely ignoring the idea of consent because Andrews County doesn't consent, the State of Texas doesn't consent.

And we're quite concerned that while there

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is given listening -- there are listening sessions, and lip service to consent, we would like consent to be paid close attention to because how can there be any environmental justice when the county in which this dump is itself says, no, we don't want it?

And, primarily, they said, no, we don't want it not only because of potential accidents and potential exposure, but because there's no plan for what happens after the initial 40 or 100 years. And who among us are going to be here in 40 or 100 years to see that any of this high level nuclear waste is moved? None of us on this call are going to be around in 100 years to make sure that it's taken away.

And so, the NRC needs to not just listen but to do what the groups want, and not just doing what the companies that stand to make hundreds of millions while putting our lives in jeopardy with accidents and pollution, but paying attention to what the local areas say, as well as the state.

Thank you.

FACILITATOR CAMERON: Thank you, David, for that.

And, Jerry, if you're still our operator now, could you put through the next person from the public who's on the line?

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OPERATOR: Yes. Our next person is Chief Michelle Mitchum. The line is open.

CHIEF MITCHUM: Hello. Can everyone hear me?

FACILITATOR CAMERON: We can hear you.

CHIEF MITCHUM: Thank you.

First, I'm concerned to even speak at this point considering that Leona was just cut off. I would like to recommend that we all be allowed to hear the rest of what she was saying.

To that end, my concern here with the listening session and the discussion of recommendations for changes goes back to what Leona and Jerry Pardilla were saying, along with Reverend Boseman, who is right in our neighborhood in Macon County. I don't know that she's aware that chemical waste is being dumped in Barnwell County, which is right next -- right in between us.

I'm chief of the Pine Hill Tribe. And we are located in the western, northwestern section of Orangeburg County in South Carolina. So, it's a concern for us, not only what's happening on our traditional tribal land, but what's happening elsewhere because of what's happening at the traditional location.

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One of my biggest concerns personally regarding an ongoing review of permits for a facility in Richland County, in a draft environmental impact statement that was put out in July it was written that Pine Hill Indian Tribe was consulted. And we were not consulted. In fact, we responded to information that was put out last year during the comment period.

Outside of that, the only consultation that's happened between my tribe and as well as the Waccamaw Tribe of South Carolina with the NRC has been through letters during comment periods. We've not actually been one-on-one consulting anything.

So, I'm concerned about, about that.

The other concern, South Carolina only has one federally-recognized tribe. So, we are reliant on that one tribe, with fingers crossed, that they'll do the right thing and speak up for us because we don't seem to have a voice with the NRC.

It seems that the NRC's current -- bless you -- the NRC's current process is to check off the Indian box with the federal level and then give us feel-good measures.

So, with that said, and I've also got a concern. We had a meeting a month ago regarding the Richland County issue, and we were told in that meeting

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that the NRC, the NRC's safety plan is not available to the public. I'm curious as to why it's not available to the public. If that is the plan that you follow to provide guidance on renewing permits, or issuing permits, or maintaining safety, why isn't that made public?

But, again, I'm kind of scared to say any more because I don't want to get cut off. But, again, I would like to hear the rest of what Leona was saying.

I realize that she was coming off a bit strong, but I think that she's very passionate about this because she's hitting all of the right things here. We are a little bit disregarded.

So, I would like for the NRC to reconsider letting her finish what she was saying. Thank you.

FACILITATOR CAMERON: Thank you. Thank you. Thank you very much for bringing that to our attention of not being recognized.

And I think we've, unfortunately, heard enough from Leona right now. We may be going back to her sometime after the panel discussion. But right now we're going to try to see if we can hear from one more person from the public who's calling in.

And do we have, Jeffrey, do we have one more?

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OPERATOR: Yes. Our next public comment comes from Elaine Cooper. Your line is open.

MS. COOPER: Hello? Hello?

FACILITATOR CAMERON: Hi.

MS. COOPER: So, the NRC has failed to communicate to the surrounding community in lower Richland, South Carolina, for years. I've been one of the people who've been working with Sierra Club, et cetera, for at least 20 years.

So, I just want to say why cannot anyone simply state that the nuclear industry preys upon desperate, disenfranchised communities of poor people of color? This is especially true in South Carolina at Westinghouse and at SRS.

Our state is still reeling from the V.C. Summer debacle, that it had dominated our entire statehouse. The nuclear industry is not economically viable. And the nuclear industry is not renewable and continues to be very risky.

Other than that, this is an outrage. I, as a woman, am shocked about the sexist and racist treatment of Leona, that you shut her up. It was inexcusable and I'm outraged by it.

FACILITATOR CAMERON: Okay, thank you. Thank you very much.

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And, Gregory, did you want to take a short break before we go to the panel, or do you just want to go to it?

MR. SUBER: We have two more people. But we can, hopefully, go to the panel.

FACILITATOR CAMERON: We have two more?

MR. SUBER: Yes.

FACILITATOR CAMERON: Why don't we hear from the two others that are on?

MR. SUBER: Okay. All right.

FACILITATOR CAMERON: Okay. Go ahead.

Okay. Jeffrey, Jeffrey, we're going to go to the two others you have on the line right now, and then we're going to move on to the second session.

So, if you could put each of those people on for us, we'd appreciate it.

OPERATOR: Yes, absolutely.

Our next public comment comes from David Kraft. Your line is open.

MR. KRAFT: Thank you. I'm surprised to get on.

I'm Dave Kraft, the director of Nuclear Energy Information Service in Chicago. And I want it on the record that I am an old White guy. That will be important for my comments here.

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But I want to get to the issue of words. And this will be very brief. There are four, four sets of words I'd like to go over, given what I've heard here this morning.

And the first is I think NRC needs to understand what the word "justice" really means in the environmental justice phrase. It's not a word or a checkbox. Justice is a way you live. And it's an action, it's a series of actions.

And if NRC isn't engaged in actions, like Jerry Pardilla was saying earlier, we're not talking justice. Okay?

Our organization is 42 years old, 40 years old, and I've been doing this for 42 years. So, I have a lot of experience at these listening sessions and hearing sessions with the NRC.

And the first distinction I want to make is between hearing and listening. Hearing is sound waves hitting your eardrums. And that gets translated to impulses that hit your brain.

Listening is taking that, incorporating it, understanding the meanings, and then acting on it.

And NRC really does not seem to get the distinction between the two.

And this is important. Language is

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important because, as Orwell said, you know, there's no quicker way to corrupt your thinking than through the corruption of the language.

The second set of words I want to deal with is very often brought up in environmental justice meetings, concerns, whatever. And that's the difference between inclusion versus equity. I know we're dealing with that in Illinois right now. But understand that inclusion, just having a seat at the table is not the same as equity, which is perhaps having a different table where everyone has equal value.

Hiring a bunch of Black folk, or Indian folk to NRC staff is a good start; and that's inclusion. But, if those folks don't have any real authority, or if they're not listened to, if they're marginalized, it's not equity. And that's what's really needed in environmental justice.

And, finally, I guess I've heard a lot of comments. Leona Morgan, and Jerry Pardilla, Chief Michelle Mitchum a minute ago, the idea that it's time for the NRC to start walking the walk and not just talking the talk.

As I said, I've been listening to these sessions for over 40 years now. And I hear a lot of find words. I hear speeches out of Congress. I hear

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that Senator Tammy Duckworth is one of the co-founders of the Environmental Justice Caucus. But I need to see some action, you know, that's really meaningful, on-the-ground action that is protective of the public, which is the NRC's mandate.

Now, I bring all this stuff up. And, again, it's words, and maybe you'll just slough them off; you'll hear them, but not listen to them. But the fact that I'm an old White guy gives me a little bit of privilege here to really express a lot of frustration after having going through this for over 40 years with the NRC on all different levels.

And to end it, I'm just going to have to quote Emma Gonzalez, who is one of the Parkland teens who was mourning her fellow students after the shootings in Florida. After having enough speeches and hearing lofty words from Congress, and thoughts and prayers, she finally had to let everybody know that "We call bullshit."

And, quite frankly, I hope what you're hearing today, NRC, is that a lot of people are calling bullshit. It's not going to be words anymore. It's got to be actions or it's nothing. And we're not going to play.

So, thanks for listening. And I'm

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finished.

FACILITATOR CAMERON: Thanks, David. Very important that you made it in.

We have one more person from the public.

And actually, instead of taking a break and give people their time to do whatever, we are going to give Leona two minutes. But we're going to have to limit it to two minutes. And, you know, we may her have her on later also. But we'll give her two minutes now.

But, who's the last person that we have, Jeffrey, from the public?

OPERATOR: Our next public comment comes from Kevin Kamps. Your line is open.

FACILITATOR CAMERON: Kevin, are you on?

MR. KAMPS: Hello. Can you hear me now?

FACILITATOR CAMERON: Yes. Yes, we can.

MR. KAMPS: Yes, hi. This is Kevin Kamps with Beyond Nuclear and Don't Waste Michigan. I don't Leona's time should be limited. You invited her to this call. You rudely interrupted her.

But I would like to point out that this is not the first time that NRC has behaved this way.

I'll simply give the example of Carlsbad, New Mexico, May 2018, when Noel Marquez, a founder of Alliance for Environmental Strategies, a local grassroots

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environmental justice group in Southeastern New Mexico and himself Latin-American, was rudely interrupted by the very same facilitator facilitating this session during the course of his comments in opposition to the Holtec consolidated interim storage facility, long before his allotted time was expired. So as others have said who have been doing this for a while, NRC routinely and serially violates environmental justice in ways small and large.

And the large ways I would point out would include the licensing of high level radioactive waste dumps targeted at low income people of color communities, including Skull Valley Goshutes in New Mexico which was licensed by the NRC, is still licensed by the NRC, and these days, Latinx and Indigenous communities in New Mexico and West Texas. So NRC, in an Orwellian sense, is a constant and continual violator of environmental justice while it pats itself on the head for what a great job it does on environmental justice. And as others have said, a lot of folks are sick and tired of this treatment. So it needs to stop.

Thank you.

FACILITATOR CAMERON: Thank you for that.

And Leona, do you want to give us two minutes now?

And we'll try to get to you more later after the panel

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discussion.

(No audible response.)

FACILITATOR CAMERON: Leona, are you there?

MS. MORGAN: Yes, I'm here. I'm here. Can you hear me?

FACILITATOR CAMERON: Yeah, we can. Can you just give us whatever you need to say in two minutes and we'll try to get back to you later? We're going to not take a break so that we can hear from all the people in the public and so that we can also hear from you a little bit. So go ahead.

MS. MORGAN: So you can hear me, right?

FACILITATOR CAMERON: Oh, yeah.

MS. MORGAN: Okay, because I started speaking and then you interrupted me again. But I think the mic wasn't on. So we need to work on this audio system. So the -- I understand you're giving me two minutes which I will try to work with.

So the point I was getting to, first of all, when we're talking about environmental justice, environmental justice protocol, policy, everything that goes with it is not the same as tribal consultation. So that's something the NRC needs to remember. Our Indigenous people, our community

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people, and our government need to be included at the highest level so that we can all do a better job on taking care of our communities and our people.

But what that means is this listening session for community people, you might hear some people on the next panel talk about tribal consultation and government-to-government relationships. But I don't see anyone on any of the panels that were invited really representing any tribal governments in the sense that what we're talking about. When NRC does tribal consultation, it can't be lumped into EJ is my point.

We need to look at what our tribal nations are doing. And the NRC needs to respect the protocol and the laws of each of the Indigenous nations, whether they're federally recognized or not. So this kind of points back to the United Nations -- the Declaration on the Rights of Indigenous Peoples under United Nations.

The free, informed, and prior consent is necessary for any project. The NRC needs to respect that and reach out and educate communities and tribal governments way ahead of any proposal and to make sure that they're educated in a way to make substantive and germane comments whenever there's a NEPA process. That's something that needs to happen.

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And on top of that, tribal governments need to be given the right to veto any and all proposals that they deem unfit within the bounds of their traditional tribal homeland. And then we also need to -- we need to look at RECA. NRC needs to also look at all of these other mechanisms within the federal government to ensure the safety of our people and our environment.

And lastly, when it comes to the NRC and dealing with tribes, we -- as Indigenous nations, we do not have -- there's no one size fits all. Our people have been living within radioactive waste. We have -- our people have drank nuclear poison from Dine, to the Nez Perce, to the Hunkpapa, to the Marshall Islands.

NRC needs to learn how to work with all of our Indigenous nations on a community level as well as the tribal government level. And those are not the same thing. But it needs to be done at the -- to the satisfaction and the protocol of each Indigenous nation. It can't be top down with NRC dictating to our people or sending a letter. Some of our nations require face-to-face interaction.

And so that means when NRC is doing a big, big major project that affects all of us, whether it's one nation or many, NRC needs to have the staff to come

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in person to our meeting to present to our councils or our departments and to work with our government people on a respectful level as well as our community people because our community people are also informing our tribal government. So those are the recommendations I wanted to make. Thank you.

FACILITATOR CAMERON: Very, very, very good, Leona. Very good. And thank you. And we're going to kick off the panel session, and I'll sort of introduce that to everybody. So I'm hoping we have all our panelists on. And can we put up the list? Okay.

And Reverend Woodberry was good enough to participate not only in the listening session but also as a panel chair. And since we've heard from him, I'm going to start off with an introduction of -- we'll start with Mustafa Santiago Ali for an introduction.

And then we'll go to Judge Lorenzo, then we'll go to Heather Westra.

We'll come back to Reverend Woodberry who has already introduced himself, then go to Matthew Tejada and then to Diane Curran, Ellen Ginsberg, and Ed Lyman. So we're going to do introductions now of who you are and your organization, then we're going to come back to you for five minutes of commentary.

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And Mustafa, are you on the line?

MR. SANTIAGO ALI: Yes, I am. Can you hear me?

FACILITATOR CAMERON: Yes, yes. Please introduce yourself to all of us.

MR. SANTIAGO ALI: Okay. Hi, everybody, Mustafa Santiago Ali. I'm the Vice President for Environmental Justice, Climate, and Community Revitalization at the National Wildlife Federation.

I'm the interim Chief of Programs at the Union of Concerned Scientists, and I'm also a Commissioner on the American Academy of Arts and Sciences, one of the oldest scientific organizations in the world. And I've been blessed to be able to hold space and do environmental justice work for almost three decades now. And I think that takes care of it.

FACILITATOR CAMERON: Okay. Thank you very much, Ali. And we're going to be coming back to you after we hear the rest of the people introduce themselves. And the Honorable Judge Lorenzo, are you with us on the phone -- on the call?

MS. LORENZO: Can you hear me?

FACILITATOR CAMERON: Yes, yes, we can. So just tell us a little bit about yourself and what you do, and then we'll go to the rest of the people

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for introduction.

MS. LORENZO: Okay. So just a quick introduction. (Native language spoken.) This is June Lorenzo. I am an attorney and a consultant. I live and work at Laguna Pueblo, the site of, at one time, the largest open pit uranium mine. And I'm speaking today in affiliation with two organizations: the Multicultural Alliance for a Safe Environment and then the Indigenous World Association. Thank you.

FACILITATOR CAMERON: Okay. Thank you. We'll be back to you, and Heather Westra of Prairie Island Indian Community.

MS. WESTRA: Yes, good afternoon. Thank you, Chip, and thank you to the NRC for including me in this panel discussion. I'm Heather Westra. I've worked for the Prairie Island Indian Community since 1994 specifically on NRC issues, not only with the reactor but there's an Independent Spent Fuel Storage Installation right next to the tribe's homeland. So I'm very familiar with NRC, NRC regulation, and glad to be here this afternoon.

FACILITATOR CAMERON: Thank you, Heather. Thank you very much. And Reverend Woodberry, could you introduce yourself again?

REV. WOODBERRY: Sure. My name is Leo

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Woodberry. I'm the pastor for Kingdom Living Temple and Executive Director of New Alpha Community Development Corporation, both located in Florence, South Carolina. Also, I serve on several boards and advisory groups, both nationally and regionally. So I'll just name two: Climate Action Network representing 191 organizations across the country and the Southeast Climate and Energy Network which is about 75 organizations throughout the USA, South.

FACILITATOR CAMERON: Thanks again, Reverend Woodberry. And now we're going to hear from Matthew, Matthew Tejada.

MR. TEJADA: Hi, thank you. This is Matthew Tejada. I'm the Director of the Office of Environmental Justice at the United States Environmental Protection Agency in Washington, D.C.

FACILITATOR CAMERON: Okay. Thank you. Thank you, Matthew. How about Diane, Diane Curran?

MS. CURRAN: Hi, this is Diane Curran. I am a lawyer in private practice in the Washington, D.C. area. I've been representing public interest groups and state and local government and NRC in court proceedings involving NRC for about 40 years. And I have some experience in litigation of environmental justice issues and many others.

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FACILITATOR CAMERON: Okay. Thank you. Thank you, Diane. And Ellen, Ellen Ginsberg, could you introduce yourself for us, please?

MS. GINSBERG: Sure. Hi, this is Ellen Ginsberg. I am the General Counsel for the Nuclear Energy Institute. Our organization represents the commercial nuclear energy and technology sectors on legislative policy, regulatory, legal, and communications issues. And it's a privilege for me to be here, and I thank the NRC for holding the meeting.

FACILITATOR CAMERON: Okay. Thank you, Diane. And Ed Lyman, Ed, could you introduce yourself for us, please?

(No audible response.)

FACILITATOR CAMERON: Ed, are you there?

(No audible response.)

FACILITATOR CAMERON: Unmute your phone maybe, Ed.

(No audible response.)

FACILITATOR CAMERON: Try pressing *6 on your phone.

(No audible response.)

FACILITATOR CAMERON: I know Ed was there before. We got a message from him, didn't we?

MR. PARRAS: Hello?

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FACILITATOR CAMERON: Hello, Ed. We can hear you.

MR. PARRAS: Okay. Why'd you call my name?

FACILITATOR CAMERON: Is this Dr. Lyman who's on the phone?

MR. PARRAS: No, no, no. I thought you say Juan Parras. I'm sorry. No, it's not. All right.

FACILITATOR CAMERON: That's okay. Don't worry. Don't worry, Juan.

(Simultaneous speaking.)

FACILITATOR CAMERON: Ed Lyman? Ed Lyman?

(No audible response.)

FACILITATOR CAMERON: Okay. We're going to have to see if we can get Ed on. But as you can see, he's with the Union of Concerned Scientists. And okay, we're sending an email to Ed to try to get him on.

But what we're going to do now is we're going to go to each panelist for five minutes -- up to five minutes on what they want to say about the NRC environmental justice policy. And I know they've been listening to the listening session participants. So

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they got some ideas there. But I think, Mustafa, are you ready to talk to us?

MR. SANTIAGO ALI: Sure. I can share. So again --

FACILITATOR CAMERON: Go ahead.

MR. SANTIAGO ALI: -- thank you for having everyone. Many of the folks who have helped trained me over the years have spoken earlier. And I agree with many of the things that they shared about these things that have to change, these gaps that exist, and also what the opportunities might look like moving forward if there's real and true authentic collaborative partnerships and engagement.

Let me just back up real quickly, and I'll be brief. I probably won't need five minutes. My first introduction to nuclear-related issues came from my father who was an engineer in 1979 when we had the Three Mile Island disaster or accident, depending on how you want to frame it out, began my sets of conversations with my dad and others in understanding the responsibility that exists inside of this space in relationship to nuclear-related issues.

And of course, over the years, being raised and then working in the environmental justice movement, understanding that there are a number of sets of impacts

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that are going on across our country, many of the people have already talked about today and why we have to make sure that there's real intentionality and authenticity in the work that's going on in this space. In the environmental justice movement, we often say the communities speak for themselves. And it is a foundational element.

So when you hear from all of these amazing leaders across the country, we should pay attention to both the challenges that they're currently facing and also making sure that there's real true engagement and a pathway forward and a set of structures and opportunities to make sure not only that everyone's voice is being heard but that folks actually have the opportunity to frame out the direction that we're going to be moving forward on. The first principle of the environmental justice movement which many know who are on this call, but some may not, is about honoring Mother Earth and making sure that we're not doing anything additional that, of course, causes any additional harms, whether it is to our brothers and sisters or to wildlife or to the planet itself.

We should make sure that we are anchored in all of the processes and policies and regulations that we might end up creating and moving forward on.

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And in my time over the years, of course, one of the greatest concerns along with the public health impacts is, of course, the siting and folks feeling that they have not had a voice and being able to have an opportunity or to play a full role in relationship to the siting of many of these types of entities that folks have great concerns with. The other area that I would raise is around transportation.

And even though NRC has a certain set of regulations and areas of focus, we have to be careful we're not taking a holistic approach and also making sure that other agencies and departments that do have responsibility are a part of the holistic strategies that have to be implemented to make sure that folks are not dealing with these negative types of situations. And of course, if we're going to have an honest conversation in this five minutes, then we also have to call up the fact that policy in our country has had systemic racism and discrimination and biases embedded in it.

So of course we know that many of our transportation routes run through Black and Brown and Indigenous communities at a disproportionate rate, therefore putting them at a different set of exposures, if there is an accident or many other forms and

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fashions. The other one that I want to highlight for folks is also about the public health impacts and making sure that there are these locations where folks can get the information to be able to make informed decisions. And luckily, we have a number of experts who have been sharing earlier and will continue to share.

But in my conversations with folks, that's been one of the issues that continue to come up. And the other one that's really interesting is technology.

And we're blessed that there are a couple of experts who I know are going to go deeper into the technology aspect.

But in our communities, we are often presented with these technological solutions that there's not a real strong grounding in. So therefore, it puts us at a disadvantage, especially when there are others who will try and persuade folks that this may be a good alternative for our communities and for our country. So we got to make sure that there's real honesty that's in that space, and we've got to make sure there's real verification and that communities have a voice in that process.

So I want to move real quickly to a few things that I think may be helpful. The first one is

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helping folks to have a better understanding, what is your environmental justice analysis actually look like when decision making is going on? I know that we often talk about NEPA and we talk about some of the things that are happening in that space.

But we've also got to make sure -- and luckily, you have Matthew Tejada who's the Director of the Office of Environmental Justice. And he's played a critical role over the last few years in trying to help to make sure that that's better integrated in a number of spaces. But the environmental justice analyses are going to be critical in making sure that our folks not only have the information but also have a better understanding of some of the decisions that are being made and have a role in those decisions that are being made.

The other one that I want to highlight, and I've shared this with a number of other agencies and departments, is that you have to have your own federal advisory committee. EPA has been blessed and in the early days, I played a role and with a number of others in helping to get the National Environmental Justice Advisory Council in place which provides that advice and recommendations. And again, Directory Tejada I'm sure can take you deeper into that.

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But you've got to make sure that NRC has a body like that, along with its own Office of Environmental Justice that has individuals who come from communities, who come from this set of work as a part of the staff and as a part of the leadership at NRC. The other part that I want to highlight, and hopefully folks will go through how this is going to play out, is, once again, going back to that holistic strategy. And that is the Interagency Working Group for Environmental Justice, which when I was around, it had 17 federal agencies and departments that were a part of it.

And now underneath the Biden administration and some of the new executive orders that he's put out saying that there's a commitment for environmental justice. There is an opportunity for other independent agencies and others to be a part of that process which, again, gives us an opportunity to really take holistic strategies to help to uplift our communities and to bring other types of opportunities to our communities so folks don't have to just settle sometimes for what others believe is best for our communities. The other two points -- well, I like to just close with one additional point.

The other one is the databases and where

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information lives. In my time in the federal government, in many instances, databases, one, the information that was going in there sometimes was lacking, and two, the ability for those databases and the tools that will be used, whether it's an EJ screen tool or another tool that the administration has talked about, what types of information is going in there and how will those talk to each other and how will that information then be accessible to everyday folks who have lots of questions about what's going on. And I'll just close with the dynamics that we know are going on across our country.

We know that we have a huge amount of folks who are being impacted from pollution, toxins, and a number of other things that are debilitating to the body. So in our communities, we want to make sure that that is no longer the status quo. Anything that is being considered either existing or being proposed to come into our communities should not have devastating effects to our health or to how long we might live.

So I look forward to the conversations, and thank you all for giving me a couple minutes of your time.

FACILITATOR CAMERON: Okay. Thank you.

Thank you very much, Mustafa. You covered a lot of good points there, including the federal advisory

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committee and an office of environmental justice. And I'm going to ask June, and I hope it's okay to call you June, to talk to us for five minutes or so about her concerns and recommendations.

MS. LORENZO: So thank you. I appreciate what the first presenter just said, and I think you demonstrated how hard it is to keep to five minutes.

You went eight minutes, and everything he said was really important. So I will do my best to hold it to five minutes.

What I'm going to do is in my short time and hopefully I'll get to supplement this in this session is I really want to talk about the importance -- and I've read the policy statement. And a lot of it is really responding to concerns that there needs to be more than NEPA to incorporate environmental justice concepts or law. And so I want to speak to that.

First of all, there's a clear need to update it. I mean, you read it and you see there's no mention of Indigenous people. There's no mention of consultation with tribes. There's been many updates. There's been a lot of case law, a lot of policy development, domestically and internationally.

So clearly, I would say there's a need to do that and

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for all the reasons that were articulated by those who spoke to tribal sovereignty and the need for free, prior, and informed consent.

And so that moves to the next point which is the U.S. needs -- and its agencies -- to really adopt in how it enforces policies and law, the standards that are contained in the UN Declaration on the Rights of Indigenous Peoples. Now I know the first response many people say is, well, it's not really law. And the United States, up until this administration, and we hope they'll be singing a different tune, have basically said, well, yes, we did agree in 2010. It's a wonderful aspirational document and so on.

But already internationally, bodies like the Human Rights Council and the international Third Committee, in reviews of the United States compliance, these are treaties which the United States has actually signed and must abide by. In reviews of both those treaties, both those treaty bodies said to the United States that they needed to use the UN Declaration on the Rights of Indigenous Peoples as a guide in interpreting their laws and policies. And in one -- and maybe I'll get to discuss it later, but there was a specific reference to the need to observe free, prior, informed consent when it comes to dealing with

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Indigenous peoples.

Specifically Article 29 provides that there should be no storage or disposal of hazardous materials in lands or territories of Indigenous people without free, prior, and informed consent. So there is a need to observe the standards contained in the UN Declaration, applying UN treaties, hard law that the United States has signed, and the work of NRC. And those human rights bodies specifically said because of the way the United States has organized the federal government, this applies not just at the federal level, but this should apply at every level of the United States government.

Clearly, it's something the NRC needs to take a look at. And I don't know how close I am to my five minutes. But if I have another opportunity, I'd like to just say a little more about that. But that's something that should really be taken into consideration beyond just NEPA. And I think I'm going to stop there for now.

FACILITATOR CAMERON: Okay. Thank you.

Thank you, June. I think we got the point. It must be more than NEPA and informed consent. So we'll be back to you. We're going to go to the next panelist here who's Heather Wester. Heather, could you speak

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to us for a few minutes?

MS. WESTRA: Sure, sure. Thank you. There were a lot of good comments on the panel but also in the previous listening session that are similar to comments that I'm going to make. As I mentioned, I work for the Prairie Island Indian Community Tribal Council and in Southeastern Minnesota. Immediately adjacent to the tribe's homeland is the Prairie Island Nuclear Generating Plant and sits on site a spent fuel storage facility.

So as a result, we have become very familiar with the NRC and working with the NRC and the regulations and so forth and watching a lot of the initiatives over the years. A couple of things that we worked on recently which have bearing on this endeavor, we were a cooperating agency for the relicensing of the Prairie Island Nuclear Generating Plant. So that means that we helped write the Environmental Impact Statement.

And we were also a cooperating agency for the relicensing of the Independent Spent Fuel Storage Installation. And so we helped write that environmental assessment. In those two dockets, we were also an intervener, and we were successful.

I think we were the first intervener to

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get contentions admitted in the adjudicatory proceeding for the relicensing of the power plant. And we also got some contentions admitted for the relicensing of the ISFSI. Now these efforts cost a lot of money, and it doesn't come cheap to do this and to be successful. And it can put some communities at a distinct disadvantage.

Fortunately, Prairie Island has resources because of gaming. So we were able to participate in those dockets, not only in the NEPA process but the ASLB process. And I should've mentioned early on that when the plant was sited in the late '60s, the Prairie Island Indian community was a very different community at that time, very poor, disenfranchised.

Nobody spoke up for the community. But the plant was sited there right next door, right across the street. And that has bearing on how things are done today and how community members view the plant today.

With respect to environmental justice policies, I think it's good that the NRC is taking another look at this. But it shouldn't supplant or overshadow the NRC's responsibility to work with tribes on a government-to-government basis as Jerry mentioned and Leona mentioned. And that tribal consultation is

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paramount, and it should be early in the process of siting a facility.

Unfortunately, nobody was there when the Prairie Island Plant was sited. But hopefully in the future, that won't happen again. But the siting decision is key to everything related to environmental justice, I believe.

Changes should be meaningful, not just related to NEPA. But that's one way of looking at it.

But if you look at the environmental justice executive order, it mentions that federal agencies are directed to identify and address disproportionately high and adverse human health and environmental effects of its programs.

With respect to the relicensing of the nuclear power plant, human health impacts are a Category 1 issue. And I'm kind of speaking NRC language. But that means that it's not -- human health, yes, it's evaluated but not evaluated in a site-specific way as other matters are, such as environmental justice or cultural resources.

So that's something that should be maybe taken a look at and also some other remedies in mitigation. The NEPA document, an Environmental Impact Statement, or an environmental assessment are

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just disclosure tools. They're not really meant to remedy a situation. So that's something that's lacking. And also mitigation needs to be developed as part of an Environmental Impact Statement as part of the decision making.

I agree with what others have recommended with respect to the NRC developing its own federal advisory committee. And I would also like to see that the NRC be part of the Interagency Environmental Justice Committee. I didn't see -- in reviewing the document, that stuck out to me that is sorely lacking.

That's all I have for now. I look forward to being part of a discussion.

FACILITATOR CAMERON: Okay, great. Thank you. Thank you, Heather. And I just want to check in again with Reverend Woodberry. And I just want to note that we didn't forget Ed Lyman. And when we get to Ed after a couple of other people, we're going to hear him introduce himself and give us his thoughts on this. But Reverend Woodberry, do you have anything you want to say at this point, anything else?

REV. WOODBERRY: Yes, I think we need to look at NRC's position or lack of a position when it comes to the environment and the communities. So we understand that NRC as an independent body is not

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obligated to follow executive orders but instead as in the 1994 letter in written on March 31st by the then-Chairman of the Commission said that NRC will endeavor to comply with executive orders. And it needs to go a little deeper than that, than just endeavoring to try to comply with them.

And that, I think, in a sense has limited NRC to being satisfied with just receiving counsel from the -- receiving information and guidance from the Council on Environmental Quality at the White House and limiting most of their decision making to NEPA.

Even though, as I said, in 1974 when the Environmental Regulatory Act was passed and led to the formation of NRC, they were tasked with looking at public health and looking at environment as well as national security. And it appears that that focus on the environmental and public health, which we look at by looking at the state and the situation of communities, are two tasks that NRC needs to function on -- needs to focus on a lot more.

And then also, we need -- I believe that with the Environmental Justice Advisory Group that NRC also needs to take a second look at a strategy which has five main points. And three of those points deal with institutional matters. And the other two deal

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with operational matters.

But none of them -- when you look at the strategic plan, the closest you get to NRC looking at communities that are impacted by the nuclear industry that we see that it's limited just to looking at environmental justice through the lens of NEPA. And as one of my colleagues said that NEPA is just a way of measuring impacts and doesn't look at all at solutions. So my recommendation would be that NRC forms an environmental advisory group that joins the interagency group as been said, and that environmental justice organizations need to be involved in taking a second look at the strategic plan that NRC has and updating it so that it's not based on something that came out with the '90s but takes into consideration all the things that have gone on in the past and including the more recent challenges like climate change, et cetera, cumulative impacts and other things that aren't being taken into consideration.

And the last thing is that also in the strategic plan, it talks about having open meetings, open communication with the senior management of NRC.

And you can -- well, we need to develop open communication that goes two ways, and not only goes two ways but that the advisory bodies and communities

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get to weigh in, not when a problem has been found.

But how we work on making sure that we don't create problems by recognizing some of the challenges that exist in our community when it comes to environment, pollution, toxins, siting that is racist clearly -- that's known -- and see if we can get ahead of these things and have a strategies and practices in place that are proactive and not merely reactive. And I'll stop there.

FACILITATOR CAMERON: Thank you again, Reverend Woodberry. And now we're going to go to Matthew Tejada. And he is the Director of the EPA Office of Environmental Justice. And Matthew, the five minutes has been a guideline, so relax a little bit about that. But if you could give us your views from the EPA's perspective that may be helpful for the NRC, go ahead.

MR. TEJADA: Sure. Thank you so much for that. Yeah, just to build on a few things that several other panelists have said. One, I think one of the most important things for NRC to really recognize that any federal agency needs to recognize is that pursuing and advancing justice across everything that you do is not just a mandate and a responsibility, a responsibility which we can talk about more honestly

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and frankly at the federal level than we've ever been able to before in this administration.

But that -- what it takes to live up to that responsibility needs to really go to the values we hold within the federal government. And I think that is something that President Biden and Vice President Harris have been very clear at the level of commitment and investment and prioritization that it takes from the entire federal government, regardless of which agency or department, in order to really advance environmental justice and what we do. At EPA, we, of course, have had an environmental justice program for decades and a lot of elements that go along with that, like a federal advisory committee, the National Environmental Justice Advisory Council, like having dedicated staff, like having a grant program, providing assistance directly to community-based organizations and tribal and Indigenous organizations across the United States, like standalone strategic plans for advancing environmental justice, like the development of tools such as EJSCREEN or our technical guide for considering environmental justice in policy analysis or our tribal and Indigenous environmental justice policy.

Those are all things that have taken a lot

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of time at EPA to develop and to understand. And we are still at EPA on the very front end of figuring out how to really do justice in our decisions, in our programs, in the implementation of our authorities.

And it has taken all of this time and investment only to come this far.

And I think one of the things that we have learned through this history in that we're seeing more clearly now in the Biden-Harris administration is that environmental justice cannot be something that you do in addition. Environmental justice cannot be something that you do at the end of the day when all the other work has been done. It cannot be done after the decisions have been taken and you try to do something extra for those communities that really have it tough.

Environmental justice has to be a central consideration in everything that we do, that we have to actually use tools like EJSCREEN and other tools that really take equity and justice data and not just use them as pre-decisional screening tools but actually start using them to drive our decisions. It means looking at things such as the basic strategic plan of your organization which is a really boring bureaucratic thing to worry about. But it drives what people do.

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It drives the annual performance agreement with every member of staff and with every manager. It drives how we make decisions on where our budget dollars get spent or on what we ask for in our budget processes. You have to really think about centering the mission of the government on advancing equity and justice.

I think that is the explicit call that the President has laid out in at least two of his executive orders, in Executive Order 13985 on advancing racial equity and Executive Order 14008 on tackling the climate crisis. And that calls for I think everyone across the federal government to really value and invest in justice in terms that it deserves. And that means looking at things like engagement and recognizing that engagement, meaningfully engaging with impacted communities, developing those relationships, being committed to those relationships over time, providing capacity building support, honoring the fact that community leaders and community members spend their precious time trying to talk to us.

And we never have any sort of expectation that we're going to compensate for that in any meaningful way, much less even be responsive to what we hear from them in our decisions, in our policies,

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in our permits. That has got to change, and that goes to core values that we have to develop inside of the federal government, things like really investing in an environmental justice program, not because it's a good thing or it feels right, but because this is a requirement now, right? And environmental justice is not something that you can just pick up and start doing anymore than somebody can just pick up and start doing nuclear engineering because somebody has laid out five or six easy steps for it.

Environmental justice takes commitment, and it takes effort. And it takes specialized knowledge. And it takes a lasting desire not just to check the box but to actually put in the work over years, over decades to understand where and how to engage the impacted communities, to really hear the voice of those communities, and to have the accountability to show where that voice is really impacting the decisions on paper, in permits, in rules, in funding decisions, to really be accountable and transparent in doing that.

That's a big challenge. It's a challenge that all of us in the federal government are facing right now because of the mandate of the President and Vice President and others such as Administrator Regan at the Environmental Protection Agency who has laid

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down very clear markers for us. We're going to take significant steps forward at fundamentally integrating EJ into what we do, centering our mission achievement on advancing equity injustice.

So it's great that all of the federal government and NRC included is looking at this challenge and starting to wrap our arms around it. But I don't want to minimize the fact that this is not something that can just be done by picking it up and kind of improvising on it, figuring it out. This is a huge new area that is going to be a part of governing in the United States.

And it goes beyond just what this President and this administration has laid out. This is the way our society is headed. It's states like New Jersey, states like California, other states like Illinois and Michigan and New York and Massachusetts. Lots of states across the United States are the ones that are actually out there charting the horizon for advancing equity and justice.

In a lot of ways, the federal government is catching up to the way that governing in this country is moving. And it is moving towards justice. So I look forward to hearing from the panelists we have and hopefully having some time to get into a little bit

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of dialogue on this panel in our second hour.

FACILITATOR CAMERON: Thank you. Thank you, Matthew. Great points, unifying theme to have a discussion on. We're going to go next to Diane Curran, then Ellen Ginsberg, then we're going to see if we have Ed Lyman on the phone. Diane, are you ready to talk to us?

MS. CURRAN: Yeah, sure. Thank you. I really appreciate this whole discussion. The comments that were made in the first session really resonated with me. I've spent a lot of time helping groups that are experiencing what they consider a railroad by the NRC and the nuclear industry.

The word, partnership, came up so many times this afternoon of people wanting a partnership with the government but seeing that the partnership is between the NRC and whoever the license applicant is that is trying to get permission to do something.

The other phrase I heard over and over was check the box, a sense that public participation is not really meaningful. And I feel humble about talking about this because what I'm going to do is make some suggestions for kind of procedural guardrails that may be helpful.

This is a really big problem that for many, many years, the NRC has essentially been a captive

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agency, a captive of the industry it regulates, even though the Atomic Energy Act is on paper a powerful statute that says there should be no undo risk to public health and safety and that members of the public should be heard. There was a grand bargain that was made in the 1950s that it states, and tribal governments would give up regulation of nuclear power, high level nuclear material in exchange for the ability to participate in the decision making process. And we heard it today loud and clear the tremendous frustration with this process.

So very quickly -- and I will submit written comments, I think this is so important -- I want to just mention a couple of things. First of all, yes, Atomic Energy Act is important. But the NRC has so much discretion in interpreting that.

I find that in so many instances the only reasonable tool is NEPA. NEPA is apart from the NRC in a way that if NEPA can be enforced, say, in federal court, it forces the NRC to at least address issues.

It's a hugely important tool.

It has to do with embarrassing the NRC and the industry into doing the right thing. That is what happened in Louisiana Energy Services case in the early '90s. But it could be improved.

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In the LES case, the NRC rejected a very strong case that the licensing board actually approved the discrimination by the license application had been shown that the selection process for the site was so biased that it couldn't possibly satisfy NEPA. The commissioner said, well, we're not in the business of judging discrimination. That's wrong.

It's wrong to decide that and then just wash your hands of it. The NRC needs a process for referring issues it doesn't have the expertise to deal with to other agencies. It never should've dropped that issue. It should've referred it if it didn't feel it had the expertise to another agency.

Another thing that is extremely important, that is public information disclosure. The Freedom of Information Act is a hugely important tool for any group. It's hugely important to environmental justice, informed consent. And the NRC is not spending enough money on FOIA staffing. It's pathetic how long it takes to get a FOIA request responded to. That just has to change.

And then there are the procedural reforms that are really, really needed. It is so difficult to get a hearing before the NRC because one has to make one's case at the earliest possible stage and then amend

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one's contention exhaustively as the license applicant goes along amending its application until you run out of money, you run out energy and heart. No requirement for a hearing request should even begin until the NRC staff has produced its Environmental Impact Statement and its safety evaluation report, period. This situation is really unacceptable.

And finally, there should be -- I completely agree that the NRC should have an independent advisory body monitoring everything it does with the perspective of protecting the rights of the public, especially environmental justice communities to participate. These are all -- hopefully if these things could be implemented, there might be some small hope of fairness in this decision making process that the NRC goes through that affects so many people, so many communities, so many vulnerable communities. Thanks, Chip. That's it for now.

FACILITATOR CAMERON: Okay. Thank you very much, Diane. And next, we're going to go to Ellen Ginsberg from the Nuclear Energy Institute. Ellen?

MS. GINSBERG: Thanks, Chip, and thank you to the NRC for holding this meeting. Obviously, it's a very, very important topic. And it's also very important for the NRC, more generically, to

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periodically revisit its processes. So this is very apt, and we commend the Commission for directing the staff to do a systematic review of how the agency's programs and policies consider environmental justice and integrate those issues.

I really appreciate the opportunity to participate. I've already gained a huge amount of information and perspective from the listening that I've done in the last two hours as well as from my fellow panelists. And I look forward to gaining more from them as the conversation proceeds.

I would say, however, that it's important to take a moment to talk a little bit about what NEI's efforts are ongoing in this regard. And it's worthy of note that we've got a several year initiative underway to ensure that not only industry continues but the industry enhances the priority it places on environmental justice through a number of different, if you will, implementation steps, not only related to engaging in the outreach with its community stakeholders but also considering EJ as part of ongoing operations and plans for future activities as well as helping direct benefits such as jobs and educational opportunities and also supporting financially and otherwise relevant community charities.

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There's been a lot of discussion about the need for various forms of cleanup. And I would say that we very much support the notion of appropriations and EPA stepping up on cleaning up Superfund sites and other sites. I say this because I'm not in any way suggesting that the industry's current efforts are perfect in every respect.

But I think it's important to understand that this isn't just a government effort and that the industry's actions speak to its commitment and its growing commitment to EJ. In this regard, I would say it's very notable that some of our -- most of our members, and we're driving to all of them, devote increased and, in some cases, extensive resources. Someone mentioned staffing and staffing internally as well as staffing in your efforts to outreach is really important, taking steps to formalize the activities as part of corporate processes.

These are all ways that members are attempting to not only continue but enhance their approaches. And I would say the point is that this isn't a first round at this rodeo, that the industry has been doing this for some time. But there are always improvements that can be made, and we're looking at those very closely. I would encourage those on this

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case if anyone would like to reach out. I'm very interested in bringing other voices to our table to understand what best practices might be from other perspectives and to ensure that we're thinking them through as we put together best practices for the industry.

The other thing I would say is that there's a lot of discussion about Chairman Selin and what he said originally which is that the NRC is an independent agency. But as an independent agency, they will sort of voluntarily -- it would voluntarily agree to participate in environmental justice efforts. I think it's well high time that we stop talking about this notion of the NRC being an independent agency and get on with it.

The NRC has already committed to working on environmental justice. And I think this combination of commitment and now hopefully improved implementation will carry it further than we've been.

I think the scoping processes under NEPA can be very effectively used, more so than they currently are.

And I was struck by Mustafa's comments about intentionality, authenticity, collaboration. I believe he also used engagement and partnership. And I think those are all watchwords that the NRC should

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be thinking about in the context of the scoping process and otherwise.

I'll give you some other ideas here, and these are both macro and micro. But I wanted to offer them because I think it's important for the NRC to take a look at this 2004 policy and keep what's appropriate and update the rest. And so one of the things I think the agency absolutely needs to do is ensure that it is using the most appropriate data and resources so that it identifies potentially disproportionately affected communities.

Critically important to avoid overlooking communities that otherwise should be identified. And I believe Matthew has spoken to the various tools and assets that EPA provides. And I think those are good guidelines that are appropriate to be adopted.

Secondly, I think the agency absolutely should ensure that it is appropriately reaching out to hard to reach communities. I noted the discussion at the previous meeting about there not being broadband in some communities. And if that's true and broadband isn't available, that ought to be known by the agency when there are scoping meetings or other meetings and other forms of outreach made.

I won't go into the language issues. But

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obviously, accessibility and making sure that the language is available. The language that's spoken is available in documents is extremely important.

Third, ADAMS needs to be improved. ADAMS is not user friendly. And so I think it was there and it would be in everyone's best interest to improve ADAMS.

Four, I think looking at, at least, my reading of the policy statement with respect to the discussion about environmental assessment, it is at best confusing and perhaps at worst seems out of sequence. So I think the bottom line is don't bury the lede. Ivan Selin has already made clear that this is going to be something the NRC is going to be integrating into its mission.

And I think now that that's been done, it ought to be done well. And with that, I'd be happy to turn it back to you, Chip. Thanks very much for your time.

FACILITATOR CAMERON: Thank you for all of those ideas, Ellen. And let's see if we have Ed, Ed Lyman. Ed, are you on?

DR. LYMAN: Yes, I am. Can you hear me now?

FACILITATOR CAMERON: Yeah. And just

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since you didn't get a chance to introduce yourself before, just tell us a little bit about what you do and your organization, and then give us your suggestions.

DR. LYMAN: Yes. Thank you. My name is Edwin Lyman. I'm a physicist, and I'm a nuclear -- Director of Nuclear Power Safety at the Union of Concerned Scientists, which is an organization that for more than 50 years has been promoting strong safety and security regulations to protect public health and safety.

And I would say that UCS has adopted or is embracing the need to promote and expand environmental justice as an organizational priority.

So my remarks are going to be in that context.

I'm going to focus on some specific ways in which I think the NRC's policies and procedures are inherently discriminatory. I think if you start looking at what the Agency does, how it makes decisions, through a lens of environmental justice, you start to see things that you might not otherwise see.

And so I really do think that the way the Agency makes decisions, there are discriminatory aspects that are baked into those decision-making processes. And if those aren't addressed, then the

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Agency is not going to be responding adequately to the call of the Biden Administration as well as the top-to-bottom review that the NRC Commissioners have ordered.

So I've been taking a look at how the Agency has addressed environmental justice under NEPA, and it comes up wanting. And the major issue here is the Agency's belief and legal opinion that the impacts of a nuclear power plant accident, a severe accident, on the surrounding population is small.

It doesn't matter where you are. It doesn't matter who you are. The impacts are small.

And so the consequence of that is, because of the direction of the policy statement, now only significant impacts need to be considered. This allows the NRC to check the box and say there are no significant impacts.

So, yes, it could well be, or in many cases there would be, a disproportionate impact of a severe nuclear accident of exposure to ionizing radiation to disadvantaged or minority populations. But it doesn't matter, because it's low for everybody. And if you say it's low for everybody, then you are not going to be able to see or measure those disproportionate impacts.

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So the first thing that has to be done is to get past the statement that all consequences are low, and so it doesn't matter if some are lower than others. That's the block. That's the major block in the way it's applied today under NEPA.

And why is that a problem? Well, because as you start to look at the actual impacts of ionizing radiation, what are we talking about is exposure to ionizing radiation is a carcinogen. It has other biological effects and has other health end points that are less well defined, such as cardiovascular disease.

But the bottom line is radiation causes cancer, and the way cancer is treated and the outcomes for different populations who get cancer in this country is disproportionate. And I would just refer you to -- there's an American Cancer Society review just published a couple years ago that clearly shows the data, and I'm reading from this: collectively, Blacks have the highest death rate and shortest survival of any racial ethnic group in the U.S. for most cancers.

And there you have it. So one rem of exposure is not the same for everybody. And the outcome of a cancer incident is not going to be the same for everybody. You just have to look at the

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disproportionate health outcomes from things like COVID to see how extreme that effect can be. And although the particular impacts and circumstances of exposure to ionizing radiation are different, the outcomes are -- you know, you will see these discriminatory outcomes.

So the first thing to do is to get past the idea that one rem is the same to everybody, but that is the way the NRC applies any regulation or policy that involves estimating radiation impacts from nuclear accidents: automatically averages the impact over the entire population. So not only looking at important differences between gender, age, radiosensitive populations, but also racial and ethnic groups and socioeconomic disparities -- to not look at those means these processes are inherently discriminatory.

I'll just take one example. In what's called the backfit rule, this is where the NRC makes a decision whether it can require an additional safety enhancement that goes beyond what's called adequate protection. And to do that, there's a hurdle where -- one of the hurdles is that the change has to be cost justified, meaning you calculate what the impact is with regard to reduction in economic and human health

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impacts.

And it's really human health impacts, but that's translated into cost in the same way that all federal agencies do that through assigning an essentially monetary value to human life. But it also involves the estimation of property damage, loss of income, and other aspects of a radiological contamination event.

And so the cost of averting or the cost savings from averting a nuclear accident is what goes into that cost benefit calculation. So a greater averted cost means a safety improvement might have a better chance of being cost beneficial in allowing the Agency to require that.

But how do they calculate cost? It's not just the radiation impacts of exposure to that quantity of person-rem that I was talking about that can have disproportionate impact, but it's also the economic impact of a condemnation of property. This is a way the NRC's Regulatory Analysis Guidelines do it. They estimate the cost of lost property and lost income and other impacts that would be associated with contamination.

That itself is discriminatory because that means that a community where the property values are

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lower is actually going to be worth less in the NRC's calculations. So a safety enhancement that might seem to be cost justified in a wealthy community would not be in a poor community where the property values are lower.

That's another example, and I have more.

I'm running out of time. But just take emergency planning. We've heard a lot about that. Now, the NRC has a proposed rule for new reactor siting which would essentially allow new reactors to not have any off-site emergency planning at all if they need a dose test, again referring back to this person-rem of where an actual individual dose exposure -- not looking at disparate impacts, for one thing.

But if a reactor can qualify for not having an off-site emergency plan, that puts the entire burden on local communities and local emergency management organizations. They shoulder the entire burden for having to plan and carry out an evacuation if necessary if there's a nuclear accident.

That is discriminatory because not every community has the resources, the same level of resources or training, to cope with that kind of an accident. So those kinds of things, if you don't look at it through this lens, you're not going to see them.

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But the fact that the NRC is pushing on with these rules -- and another one I would cite is a proposal to change siting requirements that would allow new nuclear reactors to be sited in densely populated urban areas, something the current rules generally prohibit or discourage.

And, of course, a rule that would allow a small modular reactor to be placed in a densely populated urban area obviously has very troubling implications, again, looking at the issues of disparate impacts on how radiation would affect you, how emergency planning could be carried out, who has the resources to be able to relocate, and every other aspect.

So, again, these are the kinds of things that the Agency really needs to look at seriously if it's going to take its mandate to do this review seriously. And I have other examples, but I'll stop there. And I look forward to the discussion. Thank you.

FACILITATOR CAMERON: Okay. Thank you.

Thank you for all those examples from the rulemaking arena. Thank you, Ed.

Before I pose an overarching -- what I'm calling an overarching question to all of you, I just

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want to make sure that we gave June enough time to say the important things that she wanted to say.

And, June, do you want to add some more to what you said before?

MS. LORENZO: Sure. Can you hear me?

FACILITATOR CAMERON: Yes. Yes, we can.

MS. LORENZO: You know, the last speaker, I really appreciate his analysis, and I just thought of one example. The NRC has jurisdiction of a former mill site near where I live. It's something that my multicultural alliance pays attention to.

And just yesterday, I had a conversation with an individual who's in the community, and he's not under a gag order, but basically, home state is refusing to deal with the cleanup. And how they're doing it is, with NRC overseeing this or knowing about this, they're basically buying the properties that they won't clean up, and then people have to sign a gag order.

And the prices that they're offering for the property because of the contamination is so low that it's not economically feasible for some people to take that money and go and buy a home elsewhere.

So that's one of the dilemmas that the people in that community have to face, and it's not an Indigenous community. It's a community affected by a mill site.

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I want to say, judging by your response, I know for some people so tied up in federal agencies and regulatory talk, talking about treaties that the U.S. has signed is literally a foreign language. But it really -- more and more, you will hear about this.

More and more Indigenous peoples are going to talk about free, prior, and informed consent.

And every single element of that -- free, prior, informed, and consent -- are critical in the growing body of literature about exactly what it means.

I think we'll begin to see it more and more in litigations because there has been a recognition that this is a really important thing.

I guess the larger picture is that I believe it's really important for NRC to really pay more attention to human rights as well, not just civil rights, because there's more involved in civil rights.

But we're talking about human rights. And because NRC is part of the federal government, and the federal government has signed on to some human rights treaties, that's a whole different conversation for NRC to pay attention to.

I want to just add one distinction that was, I believe, really implied in what some of the prior speakers noted. But in the policy, there is a lot of

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-- there's text on minority communities and so on, and we think communities of color.

But I want to point out something that's really critical, and that is that a lot of what Native nations ask for is not by virtue of being a minority or a racial minority. It's because, already, the Supreme Court has recognized that it's by virtue of their political status, and it's not just a race-based status.

And because of that political status, I believe it's even more important for NRC to pay attention to the need -- and I'm not going to say consultation. I'm going to say free, prior, and informed consent. So I think those are really important concepts for the NRC to explore as they update the policy that they have. And I want to quote just one thing.

When the Human Rights Council was making observations and recommendations to the United States, what they said after actually getting concerns on U.S. federal agencies not paying attention to the need to consult with tribes, not only -- they said that the Human -- this was in April 2014 -- the state party should adopt measures to effectively protect sacred areas of Indigenous peoples against desecration,

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contamination, and destruction, and ensure that consultations are held with the Indigenous communities that might be adversely affected by the state party's development projects and exploitation of natural resources with a view to obtaining their free, prior, and informed consent for proposed project activities.

And I would argue that that's something that applies directly to NRC. I will submit comments in writing, but I just wanted to connect those dots because not very many people connect those dots, and they're very important connections to make, especially in 2021.

Thanks for the extra time.

FACILITATOR CAMERON: Thank you, June.
Thank you.

I have one question for all of you. And let me ask my colleague here, if they want to respond to my question --

(Off-microphone comment.)

FACILITATOR CAMERON: Oh, okay. Go to the next slide?

(Off-microphone comment.)

FACILITATOR CAMERON: I mean, I wanted to know whether I would know who was wanting to respond to my question as well. Okay?

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(Off-microphone comment.)

FACILITATOR CAMERON: You can raise your -- to respond to this -- or I can just go down the list and ask you. But it's also possible to, quote, raise your hand, a yellow palm. Okay?

But thinking back to what Matthew Tejada told us about, it was a long, hard road to get to where EPA is today in terms of integrating not just the values of equity and justice but also the environmental justice concept -- a long, hard road to get there, a lot of time to do that.

And he talked about the National Environmental Justice Advisory Council. They have a grant program to communities, strategic plans for developing environmental justice -- he mentioned something called an EJSCREEN. And we've heard many suggestions, not only from this Panel but from some of the listening participants.

Is there one thing the -- the NRC is starting on this, and it could be pretty dramatic action required by the NRC to respond to these recommendations. Is there one priority, one catalyst, that would start this so that it would be sort of easier to get the whole thing rolling? Would it be the Advisory Committee?

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I guess that's my question to all of you, and I'm talking to the Panel now. So do we have hands raised from the Panel? I see --

OPERATOR: I'm showing nobody from the Panel have their hand raised.

FACILITATOR CAMERON: Okay. Well, let me --

OPERATOR: Heather Westra.

FACILITATOR CAMERON: Heather?

OPERATOR: Yeah.

FACILITATOR CAMERON: Heather, go -- what do you think, Heather? And then we'll go to Ed.

MS. WESTRA: I think, looking at what the NRC, excuse me, the EPA has done would be very, very helpful to the NRC as you move forward. You know, one thing that always strikes me is the NRC will always say something like, well, we're not a land management agency. Well, I don't believe the EPA is either, you know. They're a regulatory agency, as the NRC is. So I think a lot of what they do would be applicable.

Sure, you know, with respect to the grant making that they do, that is good, but there's not enough money. I think the NRC should try to find a way to help from communities or tribes that are looking

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to participate in these proceedings, these dockets.

It's very expensive, and it really puts tribal communities at a disadvantage. It puts communities at a disadvantage to adequately participate in these proceedings.

And I've just, I know we're all going to kind of weigh in, and then we're going to be closing up, but I wanted to touch on something that Ellen mentioned, too, and that's, it's not the partnership with the NRC and the licensee and the community. It should be the licensee should be reaching out to the community. You know, we have Xcel Energy right next, you know, that owns the operates the nuclear plant next to the reservation, and, you know, we haven't always had a good relationship and many times it's been very rocky. But right now we meet regularly, and we talk about issues and resolve issues or items before they become issues. And that, I think, is a very effective way to do things, too. I know that that might not be applicable in all communities, but I think that licensees ought to endeavor to work with their communities and not just at the community leaders level. It should be at the very, very local level with the people, not the community leaders.

But I think you should, NRC should take

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a very close look to what the EPA has been doing.

FACILITATOR CAMERON: Okay. Thank you, Heather. And I just would say as a footnote that there is a mechanism where the license applicant could do that because they have to submit what's called an environmental report, an ER, that goes over potential environmental impacts, which could easily be used.

But my question, just to repeat it, is is that we've heard many, many suggestions here, and Matthew Tejada told us how hard and difficult it was to get to where they are now, which is much further than where the NRC is. But I just was wondering is there one, one particular action, recommendation, that the NRC should start with that serve as a catalyst to get everything else going, but is it one of those things where you do a bunch of different things all at one time.

I know Ed has his hand up. I don't know if he wanted to address this question or not, but I'm going to go and call on him.

DR. LYMAN: Yes, thanks, Chip. Well, where the rubber meets the road is the law and the regulations. So the simplest thing that could be done to fix this problem would be for Congress to amend the Atomic Energy Act and clarify that adequate protection

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means nondiscriminatory protection. That could be done in a couple of lines or a couple of words. I'm not sure Congress has the appetite to do that, but the Commission itself is free to redefine adequate protection. They have wide discretion, and they could emphasize or take a position that adequate protection means nondiscriminatory protection, that none of their policies and procedures should lead to disproportionate undue risk or disproportionate risk to any particular population.

So there are a few words, legal opinion, that could do that. Obviously, that would be pretty controversial, I would think; but that's the most efficient way.

And then, separately, there could be individual rulemakings. The NRC is free to do that, to expand its authority to remedy some of the issues that I raised or others.

Thanks.

FACILITATOR CAMERON: Thanks, Ed. And that does go to the points that either were directly made or implied that the NRC should be able to take action on environmental justice through the Atomic Energy Act.

And I'm going to pose another question

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since we do have Diane and Ellen who want to say something who want to say something now. Note that Diane said that NEPA is really the way to get at this, and Ellen said that there's improvements that could be made to the NRC's NEPA process to get at these issues.

And I would just go to, let me go to Diane first and talk a little bit more about her suggestion of NEPA as the way to get at this environmental justice.

And if you want to comment on Ed's suggestion about what Congress could do, and he did put that important caveat in about he's not sure that they're ready to do something like this.

But, at any rate, Diane, go ahead and, you know, say what you have to say on this, on your NEPA point. And then we'll go to Ellen.

MS. CURRAN: Thank you, thank you, Chip.

I do think that adversarial process, that fairness in the adversarial process is extremely important as an environmental justice issue and then generally an issue of whether the public is getting the kind of protection and advice that they should out of the NRC's regulatory activities. It's the only, and licensing is the only area in which a burden shifts to the company and to the agency to justify their actions. In every other context, the NRC has maximum discretion.

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So, you know, I hear what Ed is saying.

Yes, it would be ideal if Congress would amend the Atomic Energy Act. I think it would be great if they put some language in that gives the states more regulatory authority, kind of like EPA has over clean air and clean water, if they put in more informed consent language. But short of that, it seems like there's interest at the NRC right now in making some reforms.

So I would say there needs to be a set of reforms, reforms to the hearing process. We've been talking about this for at least 25 years, and it's really time to do something. Reforms to FOIA. I mean, I've just been banging my head against the wall in an NRC case where the key facts of the case has been secret for years, and they only just came out. There was no justification for the secrecy, and they only just came out through FOIA. It's incredibly important, and the FOIA office is incredibly understaffed. That is something that could be fixed by the NRC.

And then, you know, having an independent body, something long range here. This can't be done overnight. This is like turning the Queen Mary. So having an independent body that is looking at the NRC, that is helping the NRC get a sense of direction, get

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resources, make some plans, is very important. And I think that should be focused, at least in part, on how to make this adjudicatory process meaningful so that people don't experience the NRC process as more of a railroad than a fair process.

Thanks.

FACILITATOR CAMERON: Okay. And let me just ask you a question. You talked about reforming the hearing process. FOIA staffing and responsiveness should be able to be done.

In terms of the suggestions that have been batted around for 25 years, I mean, it's not like just starting anew if the NRC wanted to reform the fairness hearing process and made it fairer. I mean, there's some recommendations and discussions that's already been made on those, that issue; is that correct?

MS. CURRAN: You're not kidding. I can drive out the same thing that I've been saying for 25 years over and over and over again, and no changes are made and the process remains just as unfair as ever.

And I would love it if I thought that it was being taken seriously now for the first time.

FACILITATOR CAMERON: Okay. Thank you.

And I know that point is going to be made by Gregory and his team when they write up a summary of this.

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So that's going to be, that's going to be on the Commission's plate.

And, Ellen, talk us through just a little bit about what your thoughts are on NEPA.

MS. GINSBERG: Well, actually, before I get to that, I really wanted to answer the question that you had asked previously, which is if you had one sort of way to approach this. And I don't think this is just a single shot kind of issue with respect to addressing EJ at the NRC.

But if you did force that question on me, my answer is that one of the things, and Diane sort of got to this in a different way, but is the information. This is complicated, this is complicated technology in some ways. The NRC's processes for allowing people who aren't technically qualified or technically educated to find the information, I think, needs to be improved. I think when the NRC goes out to speak to different groups, whether they're disadvantaged or not, those communities deserve a more effective explanation of what's happening and how it's going to be, how the agency is going to follow through or act or what have you. And I think the concern is that there isn't either sufficient or outreach or it's not done effectively. And I think if you have more

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information available and better explanations, you will be able to address some of the issues, at least, that Diane mentioned.

The other thing is that Heather's comment about the success that Xcel has, she and Xcel have had, I think it's a great success story, but it needs to be across the industry and across all sectors of the industry. And there are efforts underway to make that happen. But really the key to that is early communication, often communication, and also recognizing that it's not just leaders, like the county executives. It's people who are informal leaders and making sure that the outreach, and this is true for the industry, making sure that those leaders are also part of the discussion.

So with that, I'll turn it back to you, Chip. I know we're tight on time.

FACILITATOR CAMERON: Okay. And we do have some people who want to make --

REV. WOODBERRY: I'd like to raise my hand.

FACILITATOR CAMERON: Go ahead, Reverend.

REV. WOODBERRY: Okay. I want to say that it's not one big thing, even though there are opportunities like ones that are in place right now

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that NRC can take advantage of. So you looked at the Executive Order 12898 from President Clinton in 1994 that opened the door for a lot of what could be done, particularly with EPA. And what happened was we had a lot more meetings, we had trainings that went both ways actually, and that opened the door.

And then another example is with President Obama's Clean Power Plan where part of the Clean Power Plan asked that state implementation plans had to include meaningful engagement with the environmental justice community. That opened up the door in South Carolina to the point where we had EJ organizations invited to be part of a stakeholder group of 70 different entities. And it was there that we began our partnership with Duke Energy that led us to help them build a community solar farm, you know, with Pee Dee Electric Co-Op where we did demonstration projects at schools.

And so it's not one thing, but right now we have an opportunity now with the executive orders that President Biden has put out and requests made of other agencies to take advantage of this one thing at this one time to reach out to communities, to have listening sessions, to have trainings and educational sessions that go both ways where we're educating the

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NRC about things and the NRC is educating us about some things.

And also looking at some of the bodies that already exist. Virginia has a government environmental justice advisory group. So does North Carolina on the state level. We have one on the state level where it's also a regulatory thing with the South Carolina Department of Health and Environmental Control.

So there's examples out there and there's pathways that have already been paved that NRC can use.

And if we're looking for one thing, then it's the Executive Order 14008 that's in place right now.

Thank you.

FACILITATOR CAMERON: Thank you, Reverend Woodberry, and that seems to tie in with some of the things that Ellen just said, too, is that it's all about communication and let's get the ball rolling with some outreach to communities and start talking back and forth and see what transpires from that. So that's very, very, very good.

We do have a number of people who want to say things on the phone, and I'm going to get there.

We're going to be going to Jeffery to help us through this and try to get them to keep it a little short,

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but, if we need to go past 5, we're going to do that.

And, you know, we're going to go to Gregory for closing, too.

MR. SUBER: Yes, we only have five people on the phone.

FACILITATOR CAMERON: Okay. Well, Jeffery, could you put the first person who's on the phone and wants to talk to the NRC, could you put them on?

OPERATOR: Absolutely. Our first public comment comes from Diane D'Arrigo. Your line is open.

FACILITATOR CAMERON: Hi, Diane. Diane, are you on? Does she have to unmute her phone do you think?

MS. D'ARRIGO: Yes, I thought you said you could hear me. Can you hear me?

FACILITATOR CAMERON: Yes, we can now.

MS. D'ARRIGO: Okay. This is Diane D'Arrigo with Nuclear Information and Resource Service, and there are two ways that communities that could be considered environmental justice communities are not ever considered in NRC actions, and those are people who live along transport routes where nuclear waste is moved from a facility, one facility to another, and we're looking at astronomical increase in nuclear

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transport in years to come. Yet, the communities along the way are not being notified or involved at all. And many transport routes are along poor communities.

You know, it goes through the parts of town that people sometimes are lower income, people of color communities. And that's a way that the NRC is denying any kind of justice to those communities. That's one.

Another is the NRC is committed, hellbent, on deregulating nuclear waste, allowing licensed radioactive materials to be treated as not radioactive and going to unregulated for nuclear facilities around the country. And the consequences of the low regulatory concern, the very low level waste, the exemption policies, everything that the NRC has been doing to try to pull that off will end up with nuclear waste going to communities that have regular trash or industrial waste or hazardous material now will have nuclear on top of it, and the consequences to those communities are never considered.

So I just wanted to raise those two areas that are not even identified as part of what the NRC, the communities that the NRC would be impacting. I'm done.

FACILITATOR CAMERON: Very helpful, Diane. Thank you, thank you, for those two examples.

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The transport was raised by someone else, so there's some affirmation there. And the waste, low-level waste issue is important also. But thank you for that.

And, Jeffery, could we have the next person on the line?

OPERATOR: Yes. Our next public comment comes from Pamela Greenlaw. Your line is open.

MS. GREENLAW: Thank you. Can you hear me?

FACILITATOR CAMERON: Yes, we can hear you, Pamela.

MS. GREENLAW: Fantastic. Thank you very much. I got kicked off five times.

Okay. I know that the questions you're asking for comment on are to be generic, but I might have to be specific because you might want an example, okay?

FACILITATOR CAMERON: Sure.

MS. GREENLAW: One of the difficulties with the public making comments and comment periods is that the comment periods are on very restricted times. It's not long enough, and I know people have addressed that. But it's also not on enough topics. We've been asked to comment on environmental impact statements, environmental assessments; and, yet, we've

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been told by NRC that decisions are really not made based on those comments, that it's the safety and security issues, the safety and security plans, which the public never has a chance to look at in a form public consumption. We never get to see, so we don't know what definitions the NRC is working with.

So your definition of safety and security might include some national security and can be a burden to clear communication. So I would like to look at, you know, have you look at that.

Another area of non-transparency that we want to know, the public wants to know -- I'm coming as a public activist -- is the relationship of NNSA, NRC, and DOE. And there's where I got to be specific.

The Westinghouse nuclear facility makes the nuclear rods for power plants in Hopkins, South Carolina. It also has under its roof WesDyne which makes the TPBARs in which the elements are irradiated when they are shipped to TVA.

And so the neighborhood did not even know WesDyne was there, didn't know what they were doing, and we have been asking questions for a long time. Who regulates them? If NRC is regulating Westinghouse and under the same roof WesDyne is sharing the NPDES permit and the emissions permit, the public has no idea

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what's going on, whose responsibility is whose. How do we judge what's safe and secure?

These are probably too complex to deal with at this point, so I'm hoping that someone will be able to get back to us and fill us in.

And my last question is I would like to see, and I think all of us would like to see within the next couple of months, some sort of prioritized or a time line being developed with communities to start moving on these things. Yes, the bureaucracy is big and it moves slowly. That can't be an excuse in the future in case of personnel changes for not moving at all.

And so I'm just going to ask whoever would like to comment to do that. Thank you very much.

FACILITATOR CAMERON: Thanks for those examples and suggestions, Pamela. Thank you very much.

Jeffery, who do we have next?

OPERATOR: We have Shirley Rodriguez. Your line is open.

FACILITATOR CAMERON: Hello, is this Shirley?

MS. RODRIGUEZ: No, this is Shirley. Can you hear me?

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FACILITATOR CAMERON: Oh, yes, we can hear you, Shirley.

MS. RODRIGUEZ: Hi, hi. This is my first time here, and it's been very interesting to hear a lot of people commenting on this platform. I am a nuclear engineer, and I really love what I do. And I'm not originally from the U.S. I'm originally from Peru, so I come from a very poor city over there. And when I was a little girl, I had a dream to become a nuclear engineer when I was 13 years old. There was a lot of things that I didn't know. There was a lot of bad things that I heard about nuclear technology and energy.

To be specific, this is more a message to the people out there. I wish, based on the things that you share and when I went to their website, I saw a lot of biased messages. And for me, while I was developing my educational background, I tried not to be biased and I always try to stick with data or with science because that's how we improve our living.

So my only suggestion for people who are against or in the middle or don't know about nuclear or the benefits of nuclear to please stick with information that is not biased where you can see the data. You don't have to believe the speaker. You

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don't have to believe the scientists. You don't have to believe the engineer. You don't even have to believe the leaders of your city or your country. Just make sure that you inform yourself with science.

That's all I have to say. Thank you so much. I appreciate everything the NRC is doing to develop advanced reactors. Right now, I'm designing three advanced reactors, and it's been scientifically proved that we can not fight climate change if we do not add nuclear energy to our plan.

That's all. Thank you so much.

FACILITATOR CAMERON: Thank you, Shirley, for that suggestion to rely on science and that there's many, many ways to get that. But thank you very much, Shirley.

REV. BOSEMAN: Hello? Hello?

FACILITATOR CAMERON: Yes.

REV. BOSEMAN: Yes, this is Reverend Boseman. Is it possible to ask a question?

FACILITATOR CAMERON: Is it possible to ask who a question?

REV. BOSEMAN: NRC.

FACILITATOR CAMERON: Well, yes, sure. Jeffery, did you put the next, is she the one that is next speaker that you put on?

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OPERATOR: I did not. The next person I have is Dietmar Detering.

FACILITATOR CAMERON: Okay. Is this his -- oh, sorry. Yes, go ahead. And then we'll put the next caller on. We'll just hold up on that, Jeffery.

REV. BOSEMAN: I was not sure if I could still be heard, and I was trying to figure out how I could jump in and ask a question. This is Reverend Boseman from the Imani Group again, and I just wanted to -- or if you want to add those that are in queue and come back to me?

FACILITATOR CAMERON: No, let's hear what you have to say, Reverend.

REV. BOSEMAN: So with the NRC, one of the things that I'm struck by and I think the conversation is what is NRC's path forward around your environmental justice program. And while we all have feelings, certainly I do living by the world crown jewel of the nuclear arsenal and by the commercial nuclear facilities that I live near. But I want to make ready for war in the time of peace, even within NRC.

Now that NRC has the impetus, whatever it is, new administration mandate, now that NRC has the impetus to move in the terms of their environmental justice program at this agency, I don't feel that we

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need to go around a commission, a committee, a study, a study here, a study there, for NRC to act in terms of some things that can be done almost instantly. That is forming an environmental justice committee. That is forming a committee with stakeholders. I don't think that that takes a study or an assessment in order to do that.

You've called not just myself but other organizations that are on this call who've come to this meeting. We may not be the nuclear engineers or the physicists, but we are the engineers of our community, and environmental justice has to include us.

Now, the other thing is, around all of these facilities, there are socioeconomic opportunities. While we may be anti-nuclear, there are still opportunities that our community needs. NRC, force your facilities to come to the table with the communities about job training, about economic development. Those kinds of things are in your hand.

Those kinds of things can be done forthwith if there's a will to do them.

Thank you for that.

FACILITATOR CAMERON: Thank you, thank you, Reverend Boseman. And can I ask -- are you still on? Can I ask you a question?

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REV. BOSEMAN: Yes, sir.

FACILITATOR CAMERON: You said that two things could be done instantly, and you talked about an EJ committee and then you talked about a committee of stakeholders, and I just wanted to clarify what the difference is, in your mind, between those two ideas.

REV. BOSEMAN: Well, one would be internally co-created. That's the committee. And the other would be advisory board of external stakeholders outside of the NRC.

FACILITATOR CAMERON: Oh, okay, great, great, great. Very good. And the NRC staff heard that, so they got that one, okay? But thank you, thank you, Reverend Boseman.

And, Jeffery, can you put the next outside public speaker on, please?

OPERATOR: Sure, absolutely. Our next public comment comes from Dietmar Detering.

MR. DETERING: Yes, wonderful. You can hear me, I assume. Hello?

FACILITATOR CAMERON: I just want to make sure -- oh, this is Dietmar. Okay.

MR. DETERING: Yes.

FACILITATOR CAMERON: Yes, we can hear you, Dietmar.

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MR. DETERING: Okay. I'm starting then.

Good afternoon, and I first want to thank you all for your hard work, panelists and the Commission. I'm a pro-nuclear environmentalist working with Nuclear New York.

The alternative to nuclear is not no nuclear but something else. Manna Jo Green of Clearwater mentioned in her introductory remarks her concerns about Indian Point and how her organization and others have eventually succeeded in getting Indian Point shut down. However, no comprehensive environmental review of the site at Indian Point has been done.

I live with my family in Queens, New York, not far from the gas and oil-fired power plants that are tasked with picking up some of the clean electricity generation that we have lost. These power plants are surrounded by environmental justice communities, and the people living there are being exposed to worse air now. Further, New York has licensed and received two new very large gas and oil-fired power plants in the Hudson Valley, creating two brand new environmental justice communities in Wawayanda and Dover, New York, all in response to shutting down Indian Point.

In the history of nuclear energy, two

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million lives have been saved by displacing fossil generation. When Ms. Green and Ms. Morgan asked you to not license anymore nuclear until all problems with past nuclear activities, whether related to defense programs or electricity generation, I have to think of my family's safety and also the global climate crisis we're causing by burning fossil fuels.

I'm asking the Commission for a balanced, 360-degree view of nuclear energy and the large benefits it is providing, most often uncompensated, for the health of Americans and protecting the global climate. Permitting fees, processing delays, permit denials, and plant shutdowns have costs, too. I would assume that, in general, a 360-degree environmental view of any action or non-action should be the future of NRC work in order to fully reflect environmental and environmental justice concerns.

Thank you.

FACILITATOR CAMERON: Okay. Thank you.

And I think that phrase 360-degree view really sums up what you were saying: really look at what all the implications are. But thank you, Dietmar.

And, Jeffery, is there someone else who wants to come in?

OPERATOR: Yes. Our next public comment

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comes from Karen Harden. Your line is open.

MS. HARDEN: Hi, everyone. Thank you for holding this session. First of all, I would like to say that I was very concerned that Leona Morgan got cut off earlier because in the midst of an invited panelist at an environmental justice event, to see her cut off was just really truly wrong and disheartening. And I'm glad that she had an opportunity later, but that's not the way to go about environmental justice and respect. Listening is incredibly important, as was pointed out by Dave Kraft, not just hearing.

I also am very, very concerned that, I like that the agency is thinking about this; however, right now we are in the midst of a massive environmental justice in the making, which is the licensing, recent licensing of the CIS facility in Texas and what is likely to be a coming licensing in New Mexico by the NRC. Both of the applications for these nuclear storage projects were illegal under existing law and should not have been pursued by the NRC. The Southwest region of the United States is a region that has a high population of Latinx people and a high indigenous population. When you look at a map of the U.S., those areas stand out strongly in that regard, so it's really unjust to do the siting of these facilities in such

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a region.

In the area from El Paso to Monahans, Texas, one of the rail lines that would carry this high-level radioactive waste, the population is 92-percent Spanish-speaking. That is just wrong. This is wrong to take the nation's most deadly radioactive waste and dump it on a region that has a large percentage of people of color. It needs to be halted right now. The existing license should be revoked and turned around, and the New Mexico license should be halted.

That's the main thing that I want to say.

And I also am concerned about the environmental justice to people along rail lines throughout the country. So many people would be put at risk. Diane D'Arrigo was right about reclassifying the waste. We see that greater than Class C is now being called low level, and they want to ship it on trucks, as well as trains, now and send that our way, as well.

All of these things are putting people at risk through major cities, through rural lands, throughout the nation. And this needs to end. We shouldn't be moving these materials around until we actually have a permanent repository, if that ever is a viable possibility. Otherwise, we should just be

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doing hardened on-site storage where the waste exists now and to be more protective and more secure and do the science. That is probably the least risky approach that we can take, and so NRC needs to change their path if they're serious about environmental justice and also take better precautions at decommissioning sites nationwide.

Thank you.

FACILITATOR CAMERON: Thank you, Karen. Jeffery, who is next?

OPERATOR: Our next comment comes from Lou Zeller. Go ahead, please. Your line is open.

MR. ZELLER: Hello. Thank you. This is Lou Zeller. I'm the former executive director of the Blue Ridge Environmental Defense League. We have a new executive director who has come on to the staff, Kathy Andrews, who I anticipate will be participating in such meetings in the future for Blue Ridge Environmental Defense League.

I just wanted to say thank you for holding this listening session today and including a telephone link, as well. So many of the communities that we work in, the six Southeastern states of Virginia, North Carolina, South Carolina, Tennessee, Alabama, and Georgia lack bandwidth or internet capability or

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capacity in order to participate in some of the meetings that are held on environmental justice and others, as well. So there needs to be that kind of attention to communication, and it has to do with the technique of communication, as well as the other aspects which have been mentioned here today.

Blue Ridge Environmental Defense League was founded in 1984 because of the national nuclear waste site issue, which would have possibly ended with a nuclear dump similar to the one still being contemplated in possibly the Southern Appalachians, which is where we are located. We worked since 1999 on the plutonium fuel issue, which was focused on South Carolina, which would have replaced uranium fuel with plutonium in commercial nuclear power plant reactors. That project was also defeated several years ago.

We've been working against the licensing of the Westinghouse reactors at Plant Vogtle since 2006, and we are continuing our campaign with our staff on new nuclear power plants and small modular reactors and other ideas.

So I just wanted to say I was pleased to hear from Reverend Brendolyn Boseman and Reverend Leo Woodberry and many other people working in the grassroots.

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That's all I have to say for today. Thank you.

FACILITATOR CAMERON: Thank you, Lou. Thank you, Lou. Nice to hear you.

And two more. Okay. Jeffery, who is next?

OPERATOR: Yes. Our next comment comes from Jeff or Jesse Deer in Water. Go ahead, please. Your line is open.

MR. DEER IN WATER: Greetings, everyone and Chip. We were under the impression you were retired, but good to hear or see you in the game.

Yes, Jesse Deer in Water here, a member of CRAFT, Citizens Resistance at Fermi Two, also a survivor of an area that's now a Superfund site, the Kerr-McGee fuel fabrication factory there in Oklahoma where I come from. It's all completely ruined now, that little area. You can't pick anything from there, you can't fish from there, you can't hunt anything that's been on that area without, you know, fear of becoming sick. I think they still find radioactive multiple-leg frogs or more than four-legged frogs in the area, like they did back then whenever it happened.

So I come here today as kind of like an activist and survivor and a human being, you know, a

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father of three. I live in North Redford, Michigan, Detroit area pretty much, which is a heavy environmental injustice area. And the only reason why I even heard about this was because people had shared it with me, you know, but none of the environmental justice communities or organizations that I work closely with or am familiar with even heard of this or even know what you guys are doing. So, like, it makes us feel like that we're not included, you don't want our opinion, you don't want to know, or it's just that type of vibe, I guess.

But as far as things go, I mean, I'm not giving my 100-percent comments right now, but I can say that no part of your guys' 2004 policy statement is effective or even legit if nothing is subject to legal action, you know, if nothing is litigable in court. Like, if there's all these environmental justice issues and people are impacted and/or there is proof of some sort of historic injustice, if none of it is subject to legal action, then what's the point of any of this? You know, it's just all talk, which is what a lot of people have already said they're used to anyway from the NRC and these kind of bodies. But, you know, it doesn't even have to be like that.

So, anyway, that's the main comment that

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I had was just that without any new requirements or rights, you know, what's the point of even taking this and wasting everybody's time, you know? It's been like that since 2004. That was your guys' final statement, and I'm sure, I mean, we're all happy and we're all hopeful that some change is going to come from this, and I really hope that it does. But if the human beings, the land, the earth, the elements, the water, whatever, doesn't gain any new kind of rights, then, yes, your guys' final policy statement is very ineffective, you know.

And you guys need to, you know, -- I just feel like the NRC could recognize EJ as more than just a tool, you know, recognize it as a foundational premise of any just society, which is one that we claim daily to live in. Yes, it needs to be a litigable issue in NRC proceedings and, yes, the EJ principles need to be looked at. They need to be evaluated and not only just evaluated by the NRC but also an independent organization or board of people like the presenters today who can put forth what they feel are EJ principles of their community.

Yes, there's a lot of different things.

In my own personal experience, two years ago, we intervened in a case that was already messed up; I won't

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even go into that. But, you know, we didn't really have the resources to hire a lawyer, to do this, to do that, to keep it ongoing. But we still did the intervention. We still appealed it. We still did all that, and we did it on our own time with our own money and our own resources, own energy, own efforts. And we're just a volunteer organization, you know, so really that came out of the citizens who are not only paying for everything to happen but we're also paying to fight against what we don't want to be happening or to provide safety for our communities.

And so one of the recommendations that I had heard would be some sort of independent body, an EJ body actually, of EJ community members from a community or a board of EJ, I don't want to say general board because each area has specifics when it comes to environmental justice, things that apply to them more than others. But this EJ body needs to have as much say as the Atomic Safety and Licensing Board, for instance, in a case especially where EJ is involved.

I've heard the stories about the people's EJ comments being dismissed. How is the NRC going to dismiss environmental justice comments? How do you even, I mean, what is your criteria for even deciding what is or isn't? I think that a lot of things need

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to go back and be looked at and this independent body or commission with the equal power so the ASLB, yes, should have the power to intervene or not veto but at least call a final decision involving environmental justice and communities and people and interventions and utilize some things and everything.

I don't want to take too much more time away, but that's about where I'm at with it. And, yes, yes.

FACILITATOR CAMERON: Hey, Jesse. Thank you, thank you so much. Nice to hear you. And your last comment ties in with what someone else recommended today, so thank you very much for that.

And, Jeffery, can we have the last, I guess? Jeffery, could we have the next speaker, please?

OPERATOR: Absolutely. Our next speaker is Eric Meyer. Go ahead, please. Your line is open.

MR. MEYER: Great. Thank you so much. Yes, my name is Eric. I run a pro-nuclear environmental group called Generation Atomic, and, you know, I support nuclear energy precisely because of its environmental justice benefits, and I feel like that voice was missing on today's panel. And there all right people at there, you know, more qualified

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than I am to speak on that, so, you know, at future meetings I'd love to hear that because I think it's a valuable perspective.

The reason I support nuclear from an environmental justice standpoint is that we have very solid public health data on the impacts of particulate pollution. It causes asthma, it causes heart disease, cancer. And because of this data, and thanks to a NASA study by Dr. James Hansen, we know that nuclear power, globally, has saved about two million lives since the 70s by displacing coal. And there have been several nuclear plants in the U.S. that were planned, were even maybe built and completed, but at the last minute, because of political maneuvering, were not allowed to turn on. I'm thinking about, you know, Shoreham plant in New York, for example, but there are several others.

And what happens? Well, they built a fossil plant instead, a coal plant. And that community that wasn't going to have localized air pollution impacts all of a sudden does as a result.

So we see this in the history of the U.S.

We see this recently in another study by Dr. Quarraisha of Columbia University who demonstrated that we lost about 28,000 additional people were killed because of Germany and Japan shutting their reactors down in the

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wake of the Fukushima accident.

So I think the NRC needs to look at this broader perspective of what is built instead when it isn't a nuclear plant? Because as, you know, Dietmar said earlier, the alternative to nuclear energy is not nothing. It's almost always fossil fuels. So many of today's environmental justice communities and your coal plants are the result of anti-nuclear activism, in part, preventing nuclear plants from being built decades ago. It's really, you know, kind of a tragedy when you think about it because I don't doubt the intentions of the anti-nuclear activists or their passion. I know they're working at this because they care about human health and they care about the future, but it's just like this tragic irony that it's having the opposite effect.

So, you know, data, as Shirley has said, is so important. Look at the evidence when making decisions. And when we look back, we see that nuclear energy has been, historically, the fastest way to decarbonize an electricity grid, along with hydro, which, you know, has its own environmental justice impacts that are arguably much, much worse in terms of flooding. Nuclear energy takes the least land, even when you include all the land for mining. They're

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well-established facts and reinforced by studies that have come out even in the last couple of years. The European Union Joint Research Center reinforced this, as well, recently.

And nuclear energy requires the least raw materials of any form of energy. Because of the energy density, you need so little of it. And, you know, if we care about habitat, if we care about human health, if we care about our future, nuclear energy is really the answer here. And I think, you know, permitting nuclear plants is already arduous enough as it is. The NRC has approved very few reactor designs and, then, you know, on top of that, we haven't actually completed a reactor that has been approved since the NRC's existence, with the exception of Watts Barr.

So I don't know that we need another panel.

I do think that a stronger environmental justice focus in the existing processes would be a good thing to have, you know. There's already a very arduous environmental impact assessment process, and I think bringing in environmental justice voices into that would be a much better way to go and a much better way to integrate kind of a holistic environmental discussion into how do our forms of energy impact human health and what are the best evidence-based decisions

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moving forward.

So thank you for letting me share that.

FACILITATOR CAMERON: Thank you, thank you, Eric. That's similar to the 360-degree perspective that Dietmar mentioned, but thank you.

We're going to go to our last caller. We're going to go to our last two callers, and then we're going to put Gregory Suber on to close the meeting out for us.

So I think we're dealing -- is this Denise? Jeffery. Christina.

OPERATOR: Yes, I apologize. Our next question or comment comes from Keith Merm. Go ahead, please. Your line is open.

MR. MERM: Hi, how are you guys doing today? My name is Keith. I'm currently a human rights major at SUNY Binghamton. I just completed a master's program in human development, and my comments or questions really underline the focus of how do we best access human rights and human justice through our energy infrastructure, through how we provide power and energy to any sort of community, regardless of socioeconomic status.

Honestly, our eyes are on you guys. We see right through the sort of spin that happens. We

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know the talking points. We know what to look out for.

We know that the full energy cycle is really what determines what sort of impact our energy has on civilization, so where does it come from, what goes into getting it from the ground, transporting it, refining it, then transporting it again, using it, processing it, and then storing it. All this has different impacts throughout the whole cycle, so we, in the academia community, know this and we really are seeking to challenge these talking points and how to refute that with no sort of scientific grounding.

And, finally, land usage, because we know that it is insidious to our water supplies, to our fish, to our aquatic ecosystems, we know that this is incredibly destructive and not sustainable as an energy source.

Thank you so much for giving me an opportunity to speak.

FACILITATOR CAMERON: Thank you for speaking to us, Keith. Thank you very much.

And, Christine, we're going to go the last speaker now, if you could put them on. And then we're going to have Mr. Gregory Suber sum things up for us.

OPERATOR: Absolutely. Our last speaker today is Michelle Lee. Go ahead, please. Your line

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is open.

FACILITATOR CAMERON: Are you on, Michelle?

MS. LEE: Sorry. I had myself muted. So I'm going to try to be real short since I know everybody must be exhausted. My thoughts on the quickest, shortest way that's also the least costly, frankly, for the NRC to start immediately making a change is to stop adopting completely false, unsubstantiated nuclear industry talking points.

And let's start with just a couple of examples. Carbon-free. You know that carbon-14 is generated during nuclear power fission process, so it's not carbon-free. It is certainly not emission free, as there are thermal emissions and many radioactive emissions. And using that terminology, while it's understandable that the industry wants to use it, is really not acceptable for an agency.

Similarly, with respect to health, there has not been a single population-based health study in this country ever conducted. So you may say there isn't proof of the level of health damage that populations are saying that they're experiencing, you certainly can't say it's safe and that the health impacts are small because it has not been studied.

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And, you know, the key problem, I think, honestly, is that the NRC has been acting in these proceedings, you know, in licensing and so forth and with environmental justice reviews, way outside its area of expertise. And I'll finally just note, for example, that in the GIES and in the New Mexico and Texas EIS, you did not have physicians, much less pediatricians, as part of the panels that were doing the actual review.

So while there are many excellent physicists and chemists and engineers that work at the NRC, you're not environmental experts, you're not medical experts, you're certainly not environmental justice experts; and, yet, you are putting yourself out as an agency making decisions in these areas that you really do not have the specialized knowledge.

So that's it. Thank you very much for giving the public the platform today. It was a very encouraging sign.

FACILITATOR CAMERON: Oh, good, good. Thank you, thank you, Michelle, for those comments.

And I'm going to put Gregory, Gregory Suber on to close the meeting out for us and tell us what happens next.

MR. SUBER: Okay, great. Thank you, Chip. The first thing I'd like to do is thank all of

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our panelists who participated in both of these sessions. I really appreciate you donating the time and bringing to bear your expertise and appreciate the comments that you've given us.

I'd also like to thank everyone from the public who is on the phone line, especially those who have labored with us for the past 4 hours and 27 minutes.

We're glad we were able to extend a little longer just to give people a chance to participate in this particular meeting.

I also want to emphasize the fact that the public comment period does not close until October 29th, and there are several ways to submit comments if you weren't able to speak at this meeting and on this transcript. You can leave a voicemail message at a telephone number indicated on the slide deck, and you can also send comments in by email.

So, once again, I'd like to show my appreciation to everybody who participated in this meeting. We look forward to hearing any additional comments that you would like to submit, and thank you very much and have a good evening.

(Whereupon, the above-entitled matter went off the record at 5:28 p.m.)

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