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Sent: Thursday, October 28, 2021 10:44 PM
To: NRC-EJReview Resource
Subject: [External_Sender] Docket ID NRC-2021-0137
Attachments: EJ Comments - Karen Bonime to NRC, 10-28-2021.docx

Office of Administration, Mail Stop: TWFN-7-A60M
ATTN: Program Management, Announcements and Editing Staff
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sent via electronic mail to: NRC-EJReview@nrc.gov

Re: Docket ID NRC-2021-0137

To: Nuclear Regulatory Commission (NRC):

The following comments are my own. They are based on careful study of the EJ issues presented by NRC and on my own life experiences, having known personally, and known of, many persons who have been harmed by nuclear carelessness that has disproportionately low income populations and people of color. It is hard to avoid the conclusion that this carelessness, especially involving the health and safety of Native Americans, stems from a culture of indifference toward the health and safety of people of color and low-income people within the nuclear industry and the NRC. I will list a few examples of these persons and then go into the ways I see that NRC, through amending its EJ policies and framework, can at least begin to decrease future nuclear environmental injustices (See attachment).

1) In the 1990's I heard Dorothy Purley of Laguna Pueblo speak about her experiences driving truckloads of uranium ore from the mine (I believe it was the Jackpile Mine) to the mill for processing. The loads were not tarped, and she was not given a respirator. She breathed radioactive dust daily. She died of cancer. (I believe it was lung cancer.) Why did the NRC not require safety measures throughout the nuclear fuel chain, instead of just regulating the power plants that received the fuel which sickened Ms. Purley?

2) I had a Dine-Navajo classmate at UNM who told me that as a child she played in a pile of uranium tailings. Neither she nor her family nor her community were warned of the danger, nor was the mining or milling company required to fence off the tailings, much less cover them with several feet of earth to prevent windblown radioactive dust. The government showed no concern for people, including children, who lived near uranium mines, except to collect their baby teeth -- to STUDY for traces of Strontium 90 from the fallout from atomic testing. The families were not required to be told why their children's teeth were being collected.

3) When the Three Mile Island accident happened in 1979, nothing was done, as far as I know, to evacuate people of color and low-income people. My African American relatives in Harrisburg said to me during the aftermath, "All the rich [white] people are gone. We have nowhere to go." Why did NRC omit evacuation plans from the license it issued for TMI?

4) In 1977 my mother met a single father who had worked at a nuclear power plant until his body became too radioactive and they fired him. With no pension and diagnosed with terminal cancer, he had no idea how to provide for his young daughter's future. Why did NRC not require nuclear utilities to provide disability pay for men like him?

5) A friend of mine, now elderly, was motivated by poverty to work at a uranium mine in the 70's when he was 17, Whenever his dosimeter was full, indicating he had reached the maximum allowable cumulative

dose of radiation, he would show it to his foreman, who would discard it, give him a new one, and send him back to work. He now has testicular cancer.

You may say that these stories are "just anecdotes," but THE PLURAL OF ANECDOTE IS DATA. In order to obtain an accurate account of how EJ communities have been impacted by NRC's failure to protect them, the agency MUST collect these anecdotes and amass them into DATA.

6) There is an obvious historical and ongoing attempt to locate many nuclear projects -- WIPP, URENCO, and the proposed Holtec HI-STORE Centralized Interim Storage Facility in one of the poorest parts of New Mexico, the southeast corner, as well as the recently licensed expansion of WCS/ISP/Orano to include a CISF on land that drains into New Mexico. The NRC is being sued by both New Mexico and Texas over the sloppy and cavalier way that the agency has handled the licensing proceedings thus far. If these projects were being proposed for wealthy neighborhoods, which of course would never happen, it seems certain that more care and attention would be given. (See attached.) I have friends in the southeast corner of New Mexico, and they feel they are being targeted as a "Nuclear Corridor." This is unjust.

The rest of my comments are specifically in response to NRC's request for responses about how their handling of EJ issues could be improved. See attachment.

Sincerely,
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EJ Comments – Responses to some questions posed in NRC-2021-0137, Federal Register, submitted by Karen Bonime, 10-28-2021

“III. Requested Information and Comments

“(2)(a) When the NRC is conducting licensing and other regulatory reviews, the agency uses a variety of ways to gather information from stakeholders... on environmental impacts of the proposed agency action, such as in-person and virtual meetings, Federal Register notices requesting input, and dialog with community organizations.

(i) How could the NRC expand how it engages and gathers input?”

COMMENT:

The NRC could and should use radio, i.e. public service announcements, in all relevant languages. In New Mexico these languages should include English, Spanish, and Diné-Navajo at a minimum. Where there are potential impacts on communities that speak other tribal languages, a good faith effort should be made to provide announcements in their languages as well. Special consideration should be given to tribal elders, who are more likely than other members to be speakers of the traditional tribal tongues. The messages should be translated by competent speakers of the originating and target languages.

The NRC could and should also distribute flyers and pamphlets regarding proposed actions in language that a layperson can easily understand, with glossaries of scientific terms, in the above-mentioned languages. These printed materials must be translated and edited by competent speaker-writers of the originating and target languages. All diacritics normally used in languages such as Diné-Navajo must be faithfully rendered.

During in-person or virtual hearings and dialogs with community organizations, a good-faith effort should be made to obtain competent interpreters for the relevant languages.

Also, at NRC hearings in New Mexico, more effort should be made by the facilitator to pronounce correctly the names of members of the public who participate. There is no excuse for mispronouncing Spanish names, which are phonetic and follow simple pronunciation rules that any educated facilitator could learn. This is an essential part of showing respect to individuals and their communities.

“(2)(a)(ii) What formal tools might there be to enhance information gathering from stakeholders... ?”

COMMENT:

An excellent tool to utilize for taking oral comments from the public would be simultaneous translation devices (like those used at the United Nations and at school board and other community meetings in the US where multiple languages are spoken) at the venues where NRC hearings and dialogs with community groups take place, presumably post-COVID.

“(2)(a)(iii) Can you describe any challenges that might affect your ability to engage with the NRC on environmental justice issues?”

COMMENT:

One challenge is the poor electronic transmission quality at virtual hearings. This needs to be attended to and improved.

Another challenge is the placing of arbitrary time limits on members of the public who wish to address the NRC. Persons who wish to “donate their time” to other speakers should be allowed to do so if they feel

that those getting the additional time will express perspectives in alignment with their own and that giving one person ample time to speak at greater length would provide better representation of the views of those donating their time. If the meeting is being officially recorded, the record should read that Person A donated their time to Person B.

“(c) What ways could NRC enhance identification of EJ comments?”

COMMENT:

NRC should expand its definition of the radius of impact for identifying impacted environmental justice communities. For example, minority and low-income communities throughout the entire state of New Mexico and the region of west Texas should be included when looking at potential impacts of the proposed Holtec and WCS/ISP high level nuclear waste CISFs. The rationale for such inclusion is that these communities may suffer negative psychological as well as economic impacts from living in a state or region that is increasingly being both perceived and treated as a “nuclear sacrifice zone.” The cumulative impacts of the increasing concentration of nuclear projects in and near southeastern New Mexico/west Texas must be considered. These must include psychological impacts. The National Association of Social Workers has conducted research studies which find adverse psychological impacts on children growing up in environmental “sacrifice zones.” Adverse impacts include decreased motivation to learn and succeed in life. These impacts in turn adversely affect educational and economic potential and outcomes for the children and their communities. In a state or region defined by the “sacrifice zone” perception or label, these psychological impacts can be expected to fall hardest on minority and low-income individuals, families, and communities, which have additional challenges to deal with and fewer

resources/options for escaping these impacts. The potential for these negative impacts must be evaluated before consigning New Mexico and west Texas to the status of “nuclear sacrifice zones,” which appears to be the direction that the Holtec and WCS/ISP waste dump proposals are pointing us.

Having made these comments, we now return to the first question posed by NRC under Part III of NRC-2021-0137.

“(1) What is your understanding of what is meant by environmental justice at the NRC?”

After reading the 35-page document, [Comments and responses to comments regarding NRC’s Draft Environmental Justice Policy statement], it is difficult to avoid concluding that, for the NRC, addressing “environmental justice” is mostly a perfunctory process engaged in by NRC to give the impression of complying with environmental justice principles. It is basically window dressing, intended to “pretty-up” an overall policy that, at bottom, seems to be, “We will do whatever we can get away with.”

Basing its policies on legal precedent established by judicial decisions from previous decades, NRC repeatedly claims, in effect, “We don’t have to do anything differently just because there is an Executive Order urging us to give enhanced consideration to environmental justice communities. We are already doing all that stuff under NEPA anyway. NEPA is all we have to follow.” This is unconscionable.

Giving enhanced consideration to environmental justice communities would probably require NRC to engage a team of ethicists to prod them to look deeper than just “Whatever we can get away with.” There is excellent rationale for including ethicists in their deliberations. Look at

the lawsuits that New Mexico and Texas have filed against NRC because of the agency's sloppy handling of the Holtec and WCS/ISP permit applications, respectively. Among other things, New Mexico's lawsuit cites instances where NRC ignored extensive input from the New Mexico Environment Department and overlooked glaring omissions and contradictions in the Draft Environmental Impact Statement. Perhaps most disturbing of all, the NM lawsuit cites the behavior of an NRC senior management official, Stephen Hsiu, who at a regulatory conference in late 2015, in direct contradiction of NRC policy which was read aloud at the start of the conference, urged industry and regulators present to "work together to get this [Centralized Interim Storage Facility approval] done." He even emphasized his words with a fist-pump! And NRC did not reprimand him for his inappropriate behavior. Engaging a team of ethicists for regular review of staff decisions and behaviors might have avoided this enormous gaffe.

There is another reason NRC should engage with a team of ethicists on a steady basis. Laws change, and case law changes over time. History shows that, over time, what is "legal" in one period of time is looked back upon as highly unethical at a later time, and the law changes. Just because cases like the Louisiana Energy Services case (in which an African American community was sandwiched between two proposed nuclear projects) establish precedents, and those precedents allow NRC to say "We only have to follow NEPA, nothing more," it does not follow that this *modus operandi* should continue unabated. If an executive order urges NRC to 'go the extra mile' for environmental justice communities, the agency should do so, not just follow the letter of NEPA. One only needs to contrast what was "legal" in the area of civil rights after the Supreme Court's Dred Scott decision with what was the law after the *Brown v. Board of Education* decision that struck down "separate but equal" laws, to see how changes in societal ethics can

change the law of the land. The NRC can and should change its culture from “What can we get away with approving so we can collect the license fees?” to “What would be best for society as a whole while truly protecting the unique interests of environmental justice communities in general, in the spirit of the Biden administration’s executive order in particular?” NRC’s funding formula should be altered by Congress to eliminate the glaring conflict of interest in having 90% of its funding derived from permit processing and licensing fees, but that is a topic to be addressed legislatively, not here. Congress must develop funding for a team of ethicists that would be tasked with participating in an at least an observer/advisory role during staff and Commission deliberations and even public hearings. For this team’s role to be meaningful, it should also include “teeth” to give it greater influence on policy and licensing outcomes. One hopes that people of conscience within the NRC, and we know there are such people, will read these words, take them to heart, and take steps toward urging Congress to take up these proposed funding and staffing reforms.