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# PUBLIC SUBMISSION

**Docket:** NRC-2021-0137

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

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

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

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## General Comment

It is past time for the NRC to fund Social Justice papers written by the knowledgeable public!

Here are two great examples:

In each project Fairewinds has pursued, we work with community-volunteer citizen-scientists to conduct these incredible radioactivity study programs and then place the findings in the public domain via validated peer-reviewed research papers.

In Radioactively-hot Particles Detected in Dusts and Soils from Northern Japan, the first peer-reviewed journal article co-authored with Dr. Kaltofen, the authors focused on the migration of radioactivity from the three Fukushima Dai-ichi meltdowns in Japan. It was published by the Science of the Total Environment [STOTEN] journal.

The second peer-reviewed paper we researched with Dr. Kaltofen, entitled Radioactive Isotopes Measured at Olympic & Paralympic Venues in Fukushima & Tokyo, was published by Mary Ann Liebert, Inc., publishers in the Journal of Environmental Engineering Science. It details the high rates of radioactivity at the Tokyo Olympic 2021 sites in Fukushima Prefecture in Japan. Although this journal article describing our research about Fukushima radioactivity at the Tokyo Olympic sites in Fukushima was blocked in Japan by the Tokyo Organising Committee of the Olympic and Paralympic Games and Japan's mainstream media, this research paper is presented on the International Olympic Committee's (IOC) website. As a result, this research paper has become part of the IOC's permanent collection.

The NRC cannot operate in an environmentally just way without acknowledging its past violations of Environmental Justice (EJ) all along the nuclear chain. Most nuclear reactors, uranium mining-milling-"enrichment" facilities, fuel factories, reprocessing, and both high and "low-level" waste sites and

transport routes are targeted for or located in/upstream/upwind of Indigenous, Black, People of Color, poor, and/or rural communities.

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

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

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

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

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

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

Make all information available in the primary languages of the communities and provide longer public comment periods to enable more meaningful participation.

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

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