

# PUBLIC SUBMISSION

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**Docket:** NRC-2022-0191

Advance Tribal Notification of Category 1 Quantities of Radioactive Material Shipments

**Comment On:** NRC-2022-0191-0004

Advance Tribal Notification of Category 1 Quantities of Radioactive Material Shipments

**Document:** NRC-2022-0191-DRAFT-0007

Comment on FR Doc # 2024-04771

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## Submitter Information

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## General Comment

See attached file(s)

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## Attachments

Comments of Danny de Gracia II

**Comments of Dr. Danny de Gracia, Th.D., D.Min.**  
in SUPPORT on the proposed rule  
*"Advance Tribal Notification of Category 1 Quantities of Radioactive Material Shipments"*  
Document ID NRC-2022-0191-0004, Nuclear Regulatory Commission

April 22, 2024

**Proposed Rule**

The purpose of this proposed rule is to amend regulations in Title 10 of the Code of Federal Regulations Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material" to require Nuclear Regulatory Commission and Agreement State licensees to provide advance notification to participating federally recognized Tribal governments when shipments of Category 1 radioactive material will pass within, or across, the boundaries of the reservations.

**Individual Position**

My name is Danny de Gracia, and I am an ordained minister, an internationally published author, and currently serving as an elected municipal board member in Waipahu, in the State of Hawaii, though my opinions are my own. I strongly support this proposed rule.

This issue is important and relevant to me because the implications of how the federal government partners with Tribal governments and indigenous peoples on the mainland ultimately sets a precedent for Native Hawaiians as they continue to seek respect, recognition, and the right to determine their own future.

This issue about Category 1 radioactive material and how it is handled is at face value, scientific and technical, but what it represents more importantly, is historical and symbolic. We must, in considering this rule, look to the wider context of how the atomic age, followed by the arms race of the Cold War, resulted in the proliferation of manufactured, dangerous radioactive materials, many of which were produced using elements mined from tribal reservations.

While I will not debate the usefulness of nuclear energy in its various applications, we must be aware of how the beginnings of the atomic age had a disproportionate impact on Native Americans. As an example: From 1944 to 1986, nearly 30 million tons of uranium ore were extracted from Navajo lands under leases with the Navajo Nation (U.S. EPA, 2016). To this day, continued levels of uranium have been reported in the lands near the mines, "including in many surface and groundwater sources" (Redvers et al, 2021).

With this historical understanding, building a new era of trust and transparency between the federal government and the Tribal governments will begin with changes such as these, where Tribal governments are treated as valuable stakeholders and co-equal partners with the federal government.

I appreciate that this rule change is motivated in part by the NRC's recognition of Tribal sovereignty and Tribal government interests for the purpose of establishing more government-to-government interactions.

Previously, Tribal governments suffered from the fact that national security and the Cold War swept issues such as these out of the public spotlight. There also was a sense among some that Tribal governments had to take a back seat to the greater interests of the United States, and indigenous peoples and their wellbeing were neglected for many decades. Now, we have an opportunity to right a historic wrong and set an example for more cooperation and empowerment, even as the United States seeks to set a global example in the midst of a new Cold War against Russia and China.

Admiral Hyman G. Rickover, the founder of the U.S. nuclear navy and one of the greatest public servants in the field of nuclear energy said something almost 30 years ago that is worth remembering today as we consider this rule change:

"In our system of society, no authority exists to tell us what is good and desirable. We are each free to seek what we think is good in our own way. The danger is that where men compromise truth and let decency slip, they eventually end up with neither. A free society can survive only through men and women of integrity. Fortunately, there still exist human beings who remain concerned about moral and ethical values toward others. These are the individuals who provide hope of the ultimate realism that is marked by a society's capacity to survive rather than be eventually destroyed" (Rickover, 1974).

Even as we continue to struggle with the questions of how we will send enduring information to civilizations in the 10,000-year distant future about repositories of stored nuclear waste, the more important question we face today is whether our civilization now can communicate amongst one another about the responsibilities we have to each other.

Tribes helped birth the atomic age; Tribes must play an important role in resolving the challenges and putting to rest the demons unleashed by the atomic age.

My recommendation is that in addition to this rule change, the NRC also develop a public information and education campaign targeted at both Tribes and residents of states with Tribal governments can find out more about this rule change.

This public information and education campaign could discuss the procedures of nuclear transport, how safety procedures are applied throughout the process, and further, what the latest rule change will mean for both Tribes and States.

Thank you for your favorable consideration in this matter and for the opportunity to testify.

### **References**

Rickover, Hyman G. (1974, December). Thoughts on Man's Purpose In Life ... and Other Matters. *Proceedings Magazine*. Vol. 100(12).

Redvers, N., Chischilly, A. M., Warne, D., Pino, M., & Lyon-Colbert, A. (2021). Uranium exposure in American Indian communities: health, policy, and the way forward. *Environmental health perspectives*, 129(3), 035002.

U.S. Environmental Protection Agency (2016). Environmental Mines Cleanup. Retrieved on April 22, 2024 from <https://www.epa.gov/navajo-nation-uranium-cleanup/aum-cleanup>