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Dear Mr. Suber,

On behalf of C-10, thank you for including these comments in response to the questions posed by the U.S. Nuclear Regulatory Commission (NRC)'s Environmental Justice Review Team.

-Natalie

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October 20, 2021

**Comments of C-10 Research and Education Foundation
to the U.S. Nuclear Regulatory Commission
Regarding Environmental Justice Concerns
Docket ID NRC-2021-0137**

Dear Mr. Suber,

On behalf of the C-10 Research and Education Foundation (C-10), we are writing to address the questions posed by the U.S. Nuclear Regulatory Commission (NRC)'s Environmental Justice Review Team.

(C-10) is a nonprofit organization that works for the health and safety of people and the natural environment surrounding the Seabrook Station nuclear power plant, located in coastal New Hampshire. Our name stands for "citizens within the 10-mile radius."

C-10 understands that the wellbeing of our own community and the energy generated to support our regional economy are inextricably linked to the people and places affected by the entire life cycle of nuclear power. That is why we care about environmental justice as it relates to nuclear energy production.

This cycle includes mining and processing, transport, and ultimately the storage of waste that will be deadly toxic for a *million* years, or more. C-10 is deeply troubled that waste from energy generated to power homes and businesses in New England could end up poisoning under-represented indigenous and minority populations far away.

Following are our responses to the questions that your team has posed:

How could the NRC expand how it engages and gathers input?

The overwhelming majority of Americans are not aware of the health impacts of radioactive isotopes that reach the environment as part of nuclear power generation, or the problem of nuclear waste.

The only communities that *are* engaged have already suffered dire impacts, or are concerned about the risks to the people and places they care about. So there is a huge educational effort that has to be undertaken before communities will be willing and able to engage effectively.

To this end, the NRC—in cooperation with other community organizations and nuclear safety experts—should reach out directly to civic and environmental groups, high schools and universities. The NRC should also work with the state and local elected officials, who know their constituencies and the leaders therein.

The NRC must of course continue to engage with First Nations governments as well, as so many of those who have suffered from the development of nuclear technology are indigenous populations.

The NRC should engage with trusted and science-based organizations that study nuclear safety. A few that come to mind include the Union for Concerned Scientists, the Federation of American Scientists, and Physicians for Social Responsibility. There are many grassroots organizations as well, such as C-10, which can serve as intermediaries.

It goes without saying that most communities are not going to welcome nuclear waste facilities. The NRC will need to have careful plans for a wide range of options and be willing to hear deeply felt concerns, and present serious solutions to the concerns.

The U.S. nuclear industry—including the Department of Energy itself—does not have a stellar track record in demonstrating care for the environment or human health, especially in minority and low-income communities. From uranium mining tailings to nuclear weapons testing to health issues in areas surrounding nuclear power stations, tremendous suffering has been the cost of the development of nuclear technology for energy and defense.

People who have been impacted have had to fight hard to get any recognition or compensation. While it is true that the NRC has not directly overseen all of these such troubling situations, the NRC has often displayed an attitude dismissive of health and environmental concerns in relation to nuclear energy production. The NRC must establish credibility by demonstrating concern through actions on a range of health and environmental health matters—especially those impacting low-income communities and communities of color.

From our observations of the NRC staff in action, they often come across as defenders of the nuclear industry. The job of the NRC staff is to advocate for the public interest. This proper role needs to be made clear and reinforced for any NRC outreach/education efforts to the public and all stakeholders.

What formal tools might there be to enhance information gathering from stakeholders and interested persons in NRC's programs, policies, and activities?

Again, the NRC needs to build capacity for these discussions by educating the public and presenting a range of thoughtful options and encouraging input and new ideas. Social media tools are important. Reach out to local media. Use online polls. Go through people who have the ear of the communities already.

Here are two from Massachusetts, for example:

<https://www.mass.gov/environmental-justice>

<https://matracking.ehs.state.ma.us/Environmental-Data/ej-vulnerable-health/environmental-justice.htm>

Can you describe any challenges that may affect your ability to engage with the NRC on environmental justice issues?

The NRC publishes annual environmental reports on all licensed reactors. We are familiar with those for Seabrook station. These reports are very technical and very challenging for the public to understand. The NRC would help itself if its reports were written with a lay audience in mind—by putting the data in context, providing infographics, and correlating the information to regional public health indicators

whenever possible. In addition, these reports should be sent to local stakeholders. C-10 members may be willing to search through ADAMS files but the general public will not.

A major way the NRC could enhance its communication effectiveness, work more effectively toward environmental justice and make itself more credible in the public eye is to conscientiously and responsibly share information forthrightly, transparently and completely.

During its annual public reviews on each nuclear power generating plant, the NRC should consider the actual sources of vulnerability to the plan and thus to area residents. For example, in the annual Seabrook safety review meetings, when members of the public talk/ask about the disposition of high-level radio-active waste and the situation with rising ocean water levels very near this seaside plant, the NRC panelists' response is that these issues are "beyond the scope" of the meeting. This is not a stance that assures the public that the NRC cares about the big picture and concerns of the public.

Another example is the use of the term "interim storage." If all currently proposed storage facilities are "interim", the obvious question is where and when will the waste go after the "interim"? If there is no answer to that question, the clear conclusion is that these facilities that are being called "interim" are, in actual fact, permanent. This information needs to be stated clearly by the NRC when dealing with the public.

How could the NRC enhance opportunities for members of environmental justice communities to participate in licensing and regulatory activities, including the identification of impacts and other environmental justice concerns?

There is plenty of literature identifying impacts of nuclear power plants on environmental justice communities. The NRC could solicit input and environmental groups to present information. Beyond Nuclear, Nuclear Information and Resource Service, Fairewinds and the Citizens Awareness Network are among the groups who have worked on these issues.

The NRC could establish connections with local community groups dealing with health and the environment. Hold special town meetings. Designate liaisons to network with community organizations. Seek out law schools with programs in environmental law, including the Vermont Law School. These might be places that could help develop partnerships.

The NRC should be making the rules for nuclear power plants, not leaving that job to the industry. The NRC's role should include doing the materials testing and structural evaluations needed with its own experts, not leaving that job to the industry. It's fine for the industry to do this, but the NRC should be doing its own confirmatory testing/evaluations on behalf of the public. This would necessitate a detailed overhaul of the NRC's own regulations, and it would greatly enhance the public's confidence in the agency.

What ways could the NRC enhance identification of environmental justice communities?

This should be easily accomplished by looking at demographic data, but working with state partner agencies would seem a logical approach. Most nuclear generation and waste facilities are located near environmental justice communities because they are least likely to organize to resist them and might see economic benefits, like jobs, as more important than long-term public health impacts.

What has the NRC historically done well, or currently does well that we could do more of or expand with respect to environmental justice in our programs, policies, and activities, including engagement efforts? In your view, what portions of the 2004 Policy Statement are effective?

C-10 welcomes the current efforts of the NRC and looks forward to seeing dialogue and action that put these concerns into changed procedures and outcomes.

Would you recommend that NRC consider any particular organization's environmental justice program(s) in its assessment?

- Climate Justice Alliance: climatejusticealliance.org
- Al Gore's Climate Reality Project provides a model for outreach and educating citizen leaders: climaterealityproject.org
- New England Environmental Justice Research Network: web.northeastern.edu/ejresearchnetwork/?page_id=255

Looking to other Federal, State, and Tribal agencies' environmental justice programs, what actions could the NRC take to enhance consideration of environmental justice in the NRC's programs, policies, and activities?

Create an advisory body composed of members of those groups. There is scholarship in the field of environmental history; academicians could also help in these efforts.

Considering recent Executive Orders on environmental justice, what actions could the NRC take to enhance consideration of environmental justice in the NRC's programs, policies, and activities?

The NRC should evaluate the tendency of applicants to site nuclear facilities in close proximity to low income neighborhoods or communities of color. The NRC must also address the clean up of toxic sites and restitution to any who have been harmed.

The NRC should actively seek to bring diverse voices and experiences at all levels of staff and advisory bodies. Look around the room and ask: whose voices are not being heard? Whom must we invite to really understand the impacts of these decisions? The mere presence of members of diverse populations, however, will not mean much until and unless the NRC is willing to take steps to address the concerns of environmental justice groups.

Are there opportunities to expand consideration of environmental justice in NRC programs, policies, and activities, considering the agency's mission? If so, what are they?

Yes. The NRC must be willing to really reflect on its actions in order to achieve this, however. The NRC must acknowledge that there are dangers to human health and well being that result from nuclear energy facilities, and which result from regulatory patterns that allow the nuclear industry to put profit over social and environmental responsibility. To fulfill its mission, the NRC must be more vigilant and hold corporations to higher standards.

The NRC must also actively reach out to the communities and people it wants to involve and partner with them. The NRC should add regulatory requirements to address the well-being of communities and the environment especially of low income and minority communities.

C-10 takes it as our mission to work for the safety, health, and security of residents in Seabrook Station's radius. But we must also consider the entire fuel chain, because Seabrook Station's effects will live on, far beyond the licensing period and our own ingestion pathway.

The issues of race and economic disparity involved in the choice of sites for waste cannot be ignored: rural, poor, Hispanic, First Nations and African American communities are being asked to bear the harmful impacts of the nuclear fuel cycle.

C-10 believes that nuclear waste must not be sited without the consent of the residents who will live in proximity to that waste. Thus we support consent-based siting for any proposed nuclear facilities.

Thank you for the opportunity to provide comments relative to the NRC's responsibility to consider environmental justice as part of its broader mandate to protect people and the environment. We hope that our ideas will help inform the agency's work to be more thoughtful and inclusive in its planning and stakeholder processes.

Sincerely,



Sarah Doenmez
Member of C-10's Board of Directors



Natalie H. Treat
Executive Director
C-10 Research and Education Foundation