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

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General Comment

Please see attached Word file for my public comment.

Attachments

Hopf Comment on NRC-2021-0137

Environmental justice (EJ) is an important concern that must be considered and addressed. However, there is a significant risk that NRC efforts and actions intended to address EJ concerns may actually end up causing significant harm to disadvantaged (EJ) communities.

On balance, nuclear power has been tremendously beneficial, to EJ communities and in general, due to its large role in reducing fossil-fuel-related air pollution.

Nuclear Power Plants

When nuclear plants close, or are not built, the result is increased fossil power generation. Closure of nuclear plants may result increased utilization of old, inefficient, dirty fossil generators that are located in or near EJ communities. Switching from natural gas to (dirtier) oil could also result, if the loss of nuclear generation causes a strain on natural gas supplies.

The closure of Indian Point serves as an example. Its generation was entirely replaced by gas generation. Two new gas plants, with similar overall generating capacity, were built and came on line right after Indian Point closed. The result has been increased air pollution in the region, as well as increased CO₂ emissions. It's also likely that older, highly polluting oil/gas facilities in or near EJ communities in the NYC area will see increased utilization, resulting in increased air pollution in those communities.

Nuclear power plants are generally located in rural, non-EJ communities. Those plants provide tremendous benefits to those communities, as they provide a large number of long-term, high-paying jobs in the local area, and a large fraction of the local tax base. They also are not a source of local pollution, and have negligible climate impacts.

While nuclear power plants do not have any direct impacts on EJ communities (as they are generally not located in or near those communities), they indirectly benefit EJ communities by reducing air pollution from fossil generators in or near those communities. If, in the future, new nuclear plants were built in or near EJ communities, those communities would experience much larger, direct benefits, similar to those experienced by communities that currently host nuclear plants.

Other Nuclear Facilities

Other facilities like domestic uranium mining, milling and waste storage or disposal facilities are, and will be, far fewer in number than nuclear power plants. For such facilities, the net impact on local communities is less obviously positive than it is for nuclear power plants, and EJ concerns should be given more attention.

That said, in its EJ evaluations, NRC must make clear distinctions between nuclear power plants, modern mining and disposal facilities, and legacy facilities and issues. Legitimate EJ concerns about certain types of facilities do not mean that such concerns necessarily exist for others.

For example, many EJ advocates have conflated (real or perceived) negative impacts on EJ communities from old nuclear weapons sites and legacy uranium mines with the much smaller

impacts from modern uranium mines and nuclear power plants. For many of those legacy mines and weapons sites, NRC has limited or no jurisdiction.

While it is clearly the case that such weapons and legacy mining sites must be cleaned up, NRC must push back against the notion that, because old weapons sites and legacy mines may have had negative impacts on certain EJ communities, nuclear power overall is bad for EJ communities.

It should be noted that uranium ore costs make up a tiny fraction of nuclear power's overall cost. Also, most of the uranium used in US nuclear power plants comes from foreign sources. Costs for waste storage and disposal are also a minor contributor to overall cost. For these reasons, measures can be taken at mining and waste disposal sites to minimize any negative impacts on local communities, without significantly affecting nuclear power's economic competitiveness. Regulatory burdens at nuclear power plants themselves (during both construction and operation) are a much larger contributor to overall cost.

General Considerations

If NRC's efforts to address EJ concerns result in significantly increased burdens on existing or new nuclear power generation, there is a good chance that the net impact, on EJ communities and in general, will be negative, due to fossil fuel pollution that may result from additional closures of existing nuclear plants and/or slowing down or reducing the deployment of new reactors. Such potentially counter-productive efforts may include imposing costly and/or time consuming additional requirements and activities, or giving nuclear opponents more opportunities to delay or derail nuclear projects.

For the above reasons, it's essential that NRC consider the benefits of nuclear activities as well as any negative impacts, in its efforts to address EJ issues. NRC must look at the whole picture. It must not only seek to minimize nuclear-related negative impacts. Its goal should be to minimize *overall* negative impacts to EJ communities. Thus, potential impacts on nuclear generation, and resulting impacts on fossil generation which may be located in or near EJ communities, must be included in the scope of NRC's EJ evaluations.

The need for NRC to look at the big picture extends beyond EJ concerns. Regulatory and QA burdens that render nuclear plants uneconomical to operate, or build, are generally counter-productive and result in *increased* public health and climate impacts, as the result is increased fossil generation, which is orders of magnitude more harmful. NRC needs to move past its singular focus on minimizing nuclear-related risk, and expand its scope to minimizing overall public health and climate risks. Given that nuclear replaces fossil generation that is far more harmful, the way to minimize risks/impacts is to ensure (or at least allow) nuclear power plants, both new and existing, to be economically competitive with fossil generation. Other agencies, such as the EPA, are required to evaluate the costs vs. the benefits of proposed regulations. NRC should have to do so as well.