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

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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

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U.S. Nuclear Regulatory Commission

Washington, DC 20555

Subject: Comment from Nuclear New York to the U.S. Nuclear Regulatory Commission in response to the Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities, (Docket ID: NRC-2021-0137).

Dear Environmental Justice Review Panel,

The past has shown that the matter of environmental justice is a serious one for nuclear energy, as pointed out in many comments made in the hearings on this docket, and many violations of EJ endure to this day and will keep taking much effort to rectify in the future. However, present activities related to nuclear energy show little adverse impact on affected communities, and we would like to elevate the view to a bigger picture:

First, I would like to look back at my oral statement at the 9/27 hearing. I've talked about the need for a 360 degree view when looking at the consequences of NRC decisions, whether it is delay, denial, fees, or approval. It turns out that the commission has already been closer to this ideal than many would give it credit, at least based on what we can learn from the license extension application for Entergy's Indian Point Energy Center (IPEC). The NEPA review thoroughly considered all consequences of denying OR granting Entergy's request. What are the consequences to aquatic life in the Hudson? What are the consequences to communities near fossil-fueled power plants, which would be tasked with producing the electricity instead? On the other hand we had New York's Department of Environmental Conservation (DEC). DEC refused to acknowledge that shutting down

Indian Point would mean an increase in fossil fuel combustion for electricity generation and that much of it would take place in NYC's EJ communities.

In the end, New York State succeeded in shutting down IPEC, but only after creating two new environmental justice communities in the Hudson Valley: Dover (near Cricket Valley) and Wawayanda (near CPV Valley), made hosts of two new massive power plants, fueled by natural gas and/or oil. With their output insufficient to match that of IPEC, more generation is now being asked from fossil-fueled power plants in Metro NYC (primarily Queens, NY), only poorly masked by the DEC's denial of expansion requests by the operators of fossil power plants in Astoria (Queens) and Danskammer, near Newburgh, on October 27, 2021. New York State, deliberately ignoring environmental justice concerns, made a grave mistake, and it is ironic that many of the comments submitted here, coming from organizations that have argued for and then applauded the shutting down of Indian Point, criticize the NRC for ignoring EJ concerns.

The As-Low-As-Reasonably-Achievable (ALARA) rule, closely related to and justified by the LNT response model, is a one-way-ratchet of ever-tightening regulations on radiation exposure and release at ever increasing costs - as long as plant operation is not becoming uneconomical. However, such technical requirements have never been taken back or relaxed, not even when falling prices for fossil fuels made nuclear energy uneconomical. As a result, not just construction of new plants was halted after the 1970s oil crisis ended. Recently even the operation of existing plants became unaffordable when natural gas prices dropped to unprecedented levels. ALARA stands at the center of factors that made the nuclear industry the only one where technological progress is not allowed to lead to cost reductions. Yet, despite a lack of scientific proof that ALARA offers any measurable health benefits, it remains unquestioned.

Many opponents to nuclear energy don't agree with our assessment and say that we can do without fossil AND nuclear energy by relying on wind and solar. In short, here are our responses: a) Losing existing nuclear energy leads to an increase in emissions. b) In practice, renewable-dominated systems rely on fossil-fueled back-up systems, often located within in EJ communities such as Asthma-Alley in Queens, NY. c) Wind- and solar-dominated systems require massive investments in excess capacity, transmission, and storage, in particular if they strive to rely little (or not at all) on fossil back-ups. We fear the environmental impacts of this (mining, land) but also that the financial burden is too high to be politically feasible. d) Excluding nuclear energy from the path away from fossil fuels will add time when we all agree on urgency.

Dropping LNT and ALARA and making the commission's business model more welcoming to nuclear innovation and investments are contributions the NRC MUST make in order to fully address environmental justice.

Sincerely,
Brian Campbell