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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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Submitter Information

Name: Anonymous Anonymous

Address:

Madison, WI, 53703

Email: madcitymoves@yahoo.com

General Comment

The NRC needs to operate in an environmentally just way by 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 low income, rural or inner-city, communities of color.

The next step is to compensate, cleanup, and repair damage done by previous NRC and AEC licensee actions, including over 15,000 abandoned uranium mines especially 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.”

The 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
- (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 is a good example that of intervenor funding.

NRC's 10CFR2 rules for intervention are clearly skewed in favor of nuclear proposals. The rules need to 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 will help.

NRC could improve its EJ policy by going beyond the National Environmental Policy Act requirements. Under

NEPA, EJ needs to 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.

All information needs to be 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 is a threat of possible accidents. Front-line communities will bear the deadly burden without free, prior, informed consent or knowledge. Those communities most effected need to be informed and protected from harm.

Thank you for doing what only you can do: protect the public from deadly harm from exposure to nuclear radiation the storage, transportation and usage.