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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

The NRC cannot operate in an environmentally just way without 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 upstream or upwind of Indigenous, Black, People of Color, Poor, and/or Rural communities that all experience harm!

A next step is to compensate, cleanup, and repair damage done by previous NRC and AEC licensee actions.

This includes over 15,000 abandoned uranium mines and the 1979 Church Rock disaster, directly impacting indigenous people. The White House Environmental Justice Advisory Committee's list of “PROJECTS THAT WILL NOT BENEFIT A COMMUNITY” includes “procurement of nuclear power.”

To prevent repeating the past, NRC must set up structures to assist the above mentioned EJ communities, including

- (1) a permanent EJ Advisory Board to assess all NRC processes, with authority to prevent EJ violations and
- (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 must cover costs of
- (3) intervenor funding for legal and technical expertise. Canada has intervenor funding.

However, NRC’s 10CFR2 rules for intervention are clearly in favor of nuclear proposals and therefore must be amended to enable EJ communities to participate, get standing (presumably intervenor status), and their contentions must be accepted.

Local Hispanic intervenors and their contentions were dismissed in the Holtec CIS licensing case. Diversity in NRC-ASLB judges might help.

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

Make all information 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 our already-over stressed and disproportionately impacted 'Environmental Justice' 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 the affected 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 will be accidents and front-line communities will bear the deadly burden without free, prior, informed consent or knowledge.

Please study past violations and declare solutions will be undertaken, in good faith, immediately.

Sincerely,