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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

Clearly the NRC has failed miserably in even acknowledging understanding of, let alone the critical need for acting with environmental justice (EJ) as a policy shaper, all along the nuclear chain.

Nothing screams environmental INjustice more than the fact that 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 communities that fall into one or more of these categories: Indigenous, Black, People of Color, poor, rural. And many of them are indeed in highly populated areas, e.g. the now closed Indian Point nuclear facility in New York State, where millions of people live and work in the fallout zone.

It is urgent that you clean up, repair damage, and provide equitable compensation to those harmed by all previous NRC and AEC licensee actions, including more than 15,000 abandoned uranium mines and the 1979 Church Rock disaster, which directly impacted Indigenous communities.

The White House EJ 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 EJ communities including:

- (1) a permanent EJ Advisory Board made up of scientists, medical doctors, nuclear watchdog members, and community members 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 interveners (similar to current staff support for applicants).

The costs could be part of license application/amendment fees. Fees must also cover costs of

(3) intervener funding for legal and technical expertise, such as that Canada uses.

NRC's 10CFR2 rules for intervention are clearly skewed in favor of nuclear proposals. These must be amended to enable EJ communities to participate, get standing (presume intervener status), and for their contentions to be accepted. Diversity of backgrounds and ethnicities in NRC-ASLB judges, to include members of the Latiné, Indigenous, and other affected communities, is therefore critical.

NRC should improve its EJ policy by going beyond the inadequate National Environmental Policy Act requirements. Under NEPA, EJ should be automatically considered in every Generic EIS and Environmental Assessment.

EJ "consideration" should come first, as should the application of the precautionary principle: When any harm is possible, the project must be scrapped. Barring your courage to take that principled stand, at the very least, any EIS or Environmental Assessment must include the full revelation of cumulative and synergistic impacts from multiple sources of pollution and health stressors -- and compensation sufficient for communities to move to safer locales and reestablish themselves.

Furthermore, you must make all information available in the primary languages of the communities and provide longer public comment periods, and these public comments must be weighed in all decision making. If the preponderance of public comment is negative, the project needs to be rethought, replanned, and reintroduced for an equally long and thorough public scrutiny and comment period.

Furthermore, until the COVID-19 crisis with variants passes, if indeed it does pass, extra measures must be taken to enable already-over stressed and disproportionately impacted EJ communities to engage. Every community needs to be heard in this process, and must give its free, prior, informed consent in writing: No exceptions.

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 they routinely emit radiation even without accidents. Of course, there will be accidents, and front-line communities will bear the deadly burdens. They -- and not just one or a handful of local officials -- must make the decision whether or not to take the risks.