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Docket: NRC-2021-0137

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

Comment On: NRC-2021-0137-0001

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

Document: NRC-2021-0137-DRAFT-2184

Comment on FR Doc # 2021-14673

Submitter Information

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Organization: Nuclear New York

General Comment

Note: this is the plain text version of our comments. Comments with footnotes uploaded as pdf document

October 29, 2021

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 NRC is already obliged to conduct comprehensive analyses of its decisions. This is especially relevant in the license renewal process, since the National Environmental Policy Act (NEPA) review is circumscribed, as per NRC promulgation of its regulations:

“Given the uncertainties involved and the lack of control that the NRC has in the choice of energy alternatives in the future, the Commission believes that it is reasonable to exercise its NEPA authority to reject license renewal applications only when it has determined that the impacts of license renewal sufficiently exceed the impacts of all or almost all of the alternatives that preserving the option of license renewal for future decision makers would be unreasonable.”

In evaluating the license extension application for Entergy’s Indian Point Energy Center (IPEC), the NRC considered the consequences to

a) aquatic life in the Hudson, and

b) communities near fossil-fueled power plants, tasked with producing the electricity instead.

New York's Department of Environmental Conservation (DEC), on the other hand, obfuscated that shutting down Indian Point would mean an increase in fossil fuel combustion for electricity generation, much of it in EJ communities.

In the end, New York State succeeded in shutting down 2,080 MW IPEC, but only after bringing new sources of air pollution to the towns of Dover and Wawayanda. Both are now homes for two massive fossil-fueled power plants (1,020 MW Cricket Valley Energy Center and 678 MW CPV Valley Energy Center, respectively). With their output insufficient to match that of IPEC, more generation is demanded from fossil-fueled power plants in Metro NYC (primarily Queens, NY) and from neighboring states. This grave injustice is only poorly masked by the DEC's denial of fossil power plant expansions in Astoria (in Queens) and Danskammer (near Newburgh).

At a higher level, however, we see how general practices at the NRC do indeed cause great harm to people and the climate worldwide. We urge the NRC to review its most harmful assumptions, processes, and business model:

- a) Extremely careful reviews, often taking years, are billed to applicants in the form of excessively high hourly rates of reviewing staff, often totaling hundreds of millions of dollars, creating an enormous barrier to investments and innovation.
- b) Perpetuation of the unscientific Linear-No-Threshold response model, used to justify extreme anti-radiation guidelines.
- c) 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. These technical requirements have never been taken back nor relaxed even when changes in market conditions made those regulations “unreasonable”. As a result, 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.

Any delay, denial, or cost increase of a nuclear project bolsters the demand for fossil fuels. Significantly less regulated than nuclear energy, fossil fuels are killing people, worsening climate change as part of standard operations, and causing by far the largest environmental justice problems. Since the need for energy comes first and blackouts are not an option, gas and coal automatically pick up what nuclear is not allowed to generate.

We need to deploy all non-polluting technologies and at as low a cost as possible. 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.

Respectfully submitted,
Dietmar Detering, PhD and Paul van Linden Tol
Nuclear New York

Attachments

nuclear ny comments on NRC-2021-0137



Nuclear New York

Independent Advocates for Reliable Carbon-Free Energy

A project of Community Studies of New York, Inc, a 501(c)3 non-profit organization

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¹ NRC. Environmental Review for Renewal of Nuclear Power Plant Operating Licenses, 61 Fed. Reg. 28,467, 28,473. 5 June 1996. (NYS000127)

² NERA Economic Consulting. Potential Energy and Environmental Impacts of Denying Indian Point’s License Renewal Applications. 30 March 2012. ENT000481 <https://www.federalregister.gov/documents/1996/06/05/96-13874/environmental-review-for-renewal-of-nuclear-power-plant-operating-licenses>

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³ Nuclear New York. Indian Point. <http://www.nuclearny.org/indian-point/>

⁴ NYSDEC. Statement from DEC Commissioner Basil Seggos on Denial of the Title V Permit for Astoria Gas Turbine Power, LLC. 27 October 2021. <https://www.dec.ny.gov/press/124070.html>

⁵ NYSDEC. Statement from DEC Commissioner Basil Seggos on Denial of the Title V Permit for the Danskammer Energy Center. 27 October 2021. <https://www.dec.ny.gov/press/124069.html>

⁶ Sacks B, Meyerson G, Siegel JA. Epidemiology Without Biology: False Paradigms, Unfounded Assumptions, and Specious Statistics in Radiation Science. *Biol Theory*. 2016;11:69-101. doi:10.1007/s13752-016-0244-4
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4917595/>

⁷ NRC. ALARA. <https://www.nrc.gov/reading-rm/basic-ref/glossary/alara.html>

Any delay, denial, or cost increase of a nuclear project bolsters the demand for fossil fuels. Significantly less regulated than nuclear energy, fossil fuels are killing people, worsening climate change as part of standard operations, and causing by far the largest environmental justice problems.⁸ Since the need for energy comes first and blackouts are not an option, gas and coal automatically pick up what nuclear is not allowed to generate.⁹

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⁸ Kharecha & Sato. How Energy Choices After Fukushima Impacted Human Health and the Environment. 17 June 2019. <https://news.climate.columbia.edu/2019/06/17/post-fukushima-energy-japan-germany/>

⁹ Adler, et al. Considering the nuclear option: Hidden benefits and social costs of nuclear power in the U.S. since 1970. 15 October 2019. <https://www.sciencedirect.com/science/article/abs/pii/S0928765519301198>