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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

1)Final Policy statements and Executive Orders that involve Nuclear issues and Environmental Justice, similar to as well as, E.O. 12898 must,

a)create new and or substantive requirements and rights.

b)grant rights of protection to people, beings and land, esp if determined it need be applied to parties/finding that points towards the need or acknowledgment of environmental justice(ej), ej communities and issues

c)create the path for environmental justice to be a litagable issue in and around Nuclear Regulatory Commission (NRC) proceedings. it also must investigate and evaluate the issues as presented and based on the principles/values put forth by ej communities, as well as, follow, honor and uphold them

d)create under NEPA, language where racial motivation be cognizable, especially is NRC continue to rely on National Environmental Protection Agency (NEPA) for these gudances

e)environmental asseents must include environmental justice analysis

f)generic and programatic impact statementd must include environmental justice analysis

G) an ej advisory council, that is made up of ej and frontline folks, must have the final say and or have the authority to challenge or overpower any atomic safety and licensing board(aslb) final desicion,

H) all nrc staff and committees must undergo a training put on by folks impacted by the uranium fuel chain that covers jemez and ej principles

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 in/upstream/upwind of Indigenous, Black, People of Color, poor, and/or rural communities.

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

To prevent repeating the past, 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 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 should also cover costs of (3) intervenor funding for legal and technical expertise. Canada has intervenor funding.

NRC’s 10CFR2 rules for intervention are clearly skewed in favor of nuclear proposals—they must 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 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 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 will be accidents and front-line communities will bear the deadly burden without free, prior, informed consent or knowledge.