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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 must deliver on President Biden's commitment to implement environmental justice into its procedures. As a start, I believe that the NRC must acknowledge its past errors with regard to environmental justice all along the nuclear chain as a first step toward operating in an environmentally just way in the future. Most nuclear reactors, uranium mining-milling-"enrichment" facilities, fuel factories, reprocessing, and both high and "low-level" waste sites and transport routes have been located in or upstream/upwind of Indigenous, Black, People of Color, poor, and/or rural communities.

An appropriate next step would be to compensate, clean up, 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 i

Indigenous people. The White House EJ Advisory Committee's list of "PROJECTS THAT WILL NOT BENEFIT A COMMUNITY" includes "procurement of nuclear power."

To help prevent repeating the past, the NRC should establish mechanisms 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); and
- (3) intervenor funding for legal and technical expertise.

The costs of the above could be part of license application/amendment fees.

Currently, 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. Greater diversity among NRC-ASLB judges could help.

Additionally, NRC could improve its EJ policy through these steps:

1. Going beyond the National Environmental Policy Act requirements. Under NEPA, EJ should be automatically considered in Generic EISs and Environmental Assessments.
2. EJ “consideration” should include the full revelation of cumulative and synergistic impacts on communities from multiple sources of pollution and health stressors.
3. Make all information available in the primary languages of the communities and provide longer public comment periods to enable more meaningful participation.
4. While the COVID-19 crisis with variants persists, extra measures are needed to enable already over stressed and disproportionately impacted EJ communities to engage.
5. Finally, NRC should seek to determine the EJ impacts of 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 knowledge and informed consent.

Thank you for the opportunity to comment.