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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. New Mexico exists as the definition of "used and ignored" results of nuclear operations. Beginning with the 1945 detonation of the first nuclear bomb at the Trinity Site in Southern New Mexico. This egregious stain on the record of nuclear regulation has caused illness, death, and suffering for years. Many victims having already died as a result of exposure, and many others are carrying the genetic inheritance this colossal injustice has caused. Now, this is the same State that is to house the spent nuclear rods from all nuclear generators in this country. This is the direct result of "kicking the can down the road" on how spent nuclear fuel should be handled. The charade that this is a "temporary" site is something we all see through. The incredible gamble and any concern for "nuclear business harm" to New Mexico has been overridden by political compliance, powerlessness, and lack of true representation from our own elected representatives. However, the thousands of miles of "transport" required to bring this poison to New Mexico extends this extremely dangerous gamble to the rest of the country as well. Meanwhile, New Mexico and Los Alamos Labs become the focus of increasing nuclear war capacity. A stupidity and waste that can never be adequately addressed in this comment.

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 low income, rural or inner-city, communities of color.

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.