

PUBLIC SUBMISSION

As of: November 01, 2021
Received: October 28, 2021
Status: Pending_Post
Tracking No. kvb-otek-mcfi
Comments Due: October 29, 2021
Submission Type: Web

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-1790

Comment on FR Doc # 2021-14673

Submitter Information

Name: Christopher Lish

Address:

San Rafael, CA,

General Comment

Thursday, October 28, 2021

Office of Administration

Mail Stop: TWFN-7-A60M

U.S. Nuclear Regulatory Commission

Washington, DC 20555-0001

ATTN: Program Management, Announcements and Editing Staff

Subject: Put Environmental Justice First -- Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities (Document ID: NRC-2021-0137-0001))

To NRC Chairman Christopher T. Hanson, Commissioner Jeff Baran, Commissioner David A. Wright, and Environmental Justice Review Team Director Gregory F. Suber:

The Nuclear Regulatory Commission (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 low income, rural or inner-city, communities of color.

"It is horrifying that we have to fight our own government to save the environment."

-- Ansel Adams

A next step is to compensate, cleanup, and repair damage done by previous NRC and Atomic Energy

Commission (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, the 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 the 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 intervenor funding for legal and technical expertise, such as Canada has.

The NRC's 10 CFR Part 2 rules for intervention are clearly skewed in favor of nuclear proposals—they must be amended to enable EJ communities to participate, get standing (e.g., 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 Atomic Safety and Licensing Board judges would also help.

The NRC should improve its EJ policy by going beyond the National Environmental Policy Act (NEPA) 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.

The NRC should 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, the 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.

"The ultimate test of a moral society is the kind of world that it leaves to its children."

-- Dietrich Bonhoeffer

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish
San Rafael, CA