

DOCKETED
USNRCDraft Policy Statement
(68FR62642)

December 18, 2003 (11:58AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF618 McLaws Street
Savannah, GA 31405
December 18, 2003Ms. Annette Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudication Staff
Washington, DC 20555-0001Re: Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and
Licensing Actions (Federal Register, November 5, 2003, V.68, No. 214; pp 62642-62645)

Dear Madame Secretary:

Please accept the following as comments on the above referenced draft policy statement. Thank you.

I am opposed to the Commission's decision to weaken its rules for considering issues of environmental justice in nuclear siting and operations hearings. I know that this action would not be considered were it not for a plea from the Nuclear Energy Institute (NEI) because these rules were critical in causing Louisiana Energy Services (LES) to withdraw its license application for a uranium enrichment plant during the last decade. LES and the NEI believe that any rules that stop them from getting what they want should be changed or repealed regardless of the consequences to human health and the concept of justice most Americans have. Their plea to change these rules to serve their own narrow interest of profit at the expense of minority communities amounts to an attempt to be exonerated and granted immunity for blatantly racist practices. This is clearly no reason to grant the proposed change in rules. As an agency of the federal government, the NRC has a responsibility to stand up to and prevent discriminatory actions that fall under its jurisdiction. Therefore, the proposed rules change should be rejected out of hand.

I find it disturbing that the Commission is seriously considering this proposal. It is even more disturbing that there is only a sixty day public comment period for this issue which is fundamental to human rights and also non-technical in nature. Since the current comment period runs only through January 5, 2004, which is right through the busy holiday season, and the draft policy statement itself is written in language that seems to dissuade instead of encourage public understanding, it appears that the NRC does not want the public to be seriously involved in the process. A fundamental change in policy such as this deserves the public's broadest possible participation through an extended public comment period and many public meetings all across the country on this matter. Therefore I respectfully request that the public comment period be extended through July 4, 2004. I believe, as I am sure the NRC would, that would be a reasonable time for an issue about fundamental human rights such as this to be resolved.

I further respectfully request that the NRC hold several public meetings throughout the country where Commission officials would explain this draft policy and accept oral and written comments from the public. These meetings should be held in major cities within 100 miles of any proposed site for a new nuclear reactor, nuclear waste dump or any other similar facilities requiring a NRC license. Here are a few examples. I have read news reports that a new nuclear reactor is being planned for the Department of Energy's Savannah River Site (SRS) near Aiken, SC. Appropriate meeting sites for this location would be Augusta, GA, Savannah, GA and Columbia, SC. This would be consistent with the NRC holding meetings in Savannah and North Augusta, SC on the proposed MOX fuel fabrication facility at

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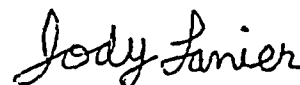
SRS earlier this year. Other news reports mention that Dominion Resources is seeking to add a new reactor at its North Anna commercial nuclear power plant. Here, appropriate sites would be Charlottesville, Fredericksburg and Richmond, VA.

Regardless of the number and location of these meeting sites, there should be two public meetings at each site, one during the day and one at night. This would allow people who could not take leave from their job to still have an opportunity to learn about the proposed draft policy in person, ask questions and submit oral comments. The total cost of these meetings is much, much less than the cost of any one of the projects the NRC licenses, so it would not bust the federal budget. It's not like the NRC is as poor as church mice.

As I stated earlier, I believe that the rules on environmental justice should not be weakened. If anything, they should be strengthened. They should be expanded to include areas downwind and downstream of a licensed site beyond a fifty-mile radius, regardless of these areas' racial and/or income demographics. Recall that areas up to 500 kilometers (310 miles) downwind from the Chernobyl, Ukraine disaster in 1986 suffered serious, damaging effects, including many deaths.

The fact that the Commission did not make readily available basic background materials to understand the issues involved with the proposed draft policy at the time it was released for public comment is a case of gross ineptitude on its part. That, combined with the short public comment period, no announced public meetings, and the language that the proposed draft policy was written in, leads one to believe that the NRC would much rather be a willing accomplice in LES' and the NEI's racial bigotry. If the Commission truly cares about its reputation in the eyes of the American people and has any scruples, it will act now to change this perception while there is still time. I therefore strongly urge the NRC to extend the public comment period to July 4, 2004, hold several public meetings on this proposed draft policy all over the country and reject any weakening of the rules on environmental justice considerations in regulatory and licensing actions.

Respectfully submitted,



Jody Lanier

cc: U.S. Representative James Clyburn
U.S. Representative Elijah Cummings
U.S. Representative John Lewis
Georgia State Senator Regina Thomas