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The Case for a State Nuclear Authority

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Abstract

Should a State government have the power to limit baseless and frivolous discussion that can negatively affect their economy? When federal government agencies allow public input on nuclear issues, they are giving a platform to those that may have a disingenuous motive for smearing the technology. Seemingly all talk is presented as fair game and no false assertions, no matter how damning, are not able to be challenged in a civil court of law. Public comment events become a forum to legally slander and libel and thereby potentially kill economic activity within a state. Should a sovereign state allow the federal government to negatively impact its future prosperity by allowing it to dominate a platform that may spread false perceptions? Many legal experts believe it is entirely within a State's power to hear and address any grievances its residents may have and also to answer the federal government on behalf of the people of the State. There really is no purpose for the federal public comment period discussion if it is not limited to substantive discussion. What is conveyed during these discussions is characterized by baseless opinion lacking any empirical evidence or proof.

While frivolous and baseless discussion affects many other technologies and energy sources besides nuclear, nuclear is special because it is most likely the least understood technology by the public when it comes to energy production, how it affects humans and its beneficial environmental impact. Better education can help; but ,there's the rub. Many of the most prominent anti-nuclear organizations routinely pass off misinformation propaganda as being legitimately vetted information and settled science. Many times the public falsely perceives that they are being properly educated by the media and institutional “experts”. In reality, they are victims of a disingenuous propaganda campaign.

Creating a state authority that can limit discussion to substantive debates can put to rest those issues that are indeed settled science and shed light on questionable assertions. A State authority is the the proper venue for debate and discussion about a topic as complex as nuclear power.

Limiting Slander and Libel

Almost every qualified poll and survey concerning the popularity of nuclear power -that may be recognized by legitimate sources- has shown that nuclear power holds a very high popularity rating among a solid majority of Americans. Many experts believe that even this minority of Americans that hold an unfavorable view of America’s nuclear power plants would shrink when given some legitimate education about nuclear power. The problem that the nuclear community has always faced is the droning misinformation about nuclear technology that is found in the public domain. People have a hard time discerning fact from conspiracy theorist fantasy when they are constantly fed misinformation. Much of the misinformation available to the public is purposefully spread to smear and tarnish

the image of nuclear energy. The reasons for the negative demeanor remain unclear, but a prevalent and underlying theme has much in common with the “Occupy Wall Street” movement. Rallying against capitalism and corporations is nothing new. However, the federal government has given this misinformation with its biased tone a credibility that it would otherwise not have if it didn’t provide in a place. That place, the platform of public discourse, will be managed with greater accountability by state governments.

There are many well funded special interests that play upon people’s fears. So much so that they have been able to shape the media’s popular negative perception of nuclear power. However, the popular media perception is not reflective of how actual, everyday Americans view nuclear power. There are too many Americans that have lived in the shadows of nuclear

power plants who haven't experienced the adverse effects that special interest alarmists claim should have incurred. The age-old, anti-nuclear propaganda campaigns (reminiscent of Russian disinformation during the cold war) no longer ring true with a majority of Americans because:

- No one has been able to produce the mass graves of the supposed millions that died from the fallout of the Chernobyl meltdown.
- No one has been able to interview the families of the thousands that died from a radioactive cloud that was produced by the Three Mile Island meltdown.
- No one can find out what happened to the massive wave of radiation that was supposed to have hit California, decimated the fishing industry, and poisoned Californians after the Fukushima Daiichi accident.

Even though irrational advocacy organizations still contend that millions of deaths and unspeakable harm to the environment occurred as the result of nuclear accidents, none of the catastrophes which they speak of can be verified. Have accidents occurred? Yes, they have and they should always be placed in their proper perspective. Anti-nuclear activist may have a loud and booming voice due to media bias against nuclear power, but that does not mean that the activists represent the will of the

American people. The media keeps getting it wrong because rather than report on public sentiment, they routinely try to shape public sentiment. The public has pushed back in the form of lower ratings for news channels and reduced purchasing of newspapers. One of the biggest illustrations of the media "getting it wrong" was the recent election of Donald Trump over Hillary Clinton. A historic blow for public confidence in the media.

The Political Costs

Politicians are still cognizant of protesters marching outside of their office doors. This is something that anti-nuclear protestors know how to do and they are very good at showing up en masse. Typically, these protestors show up in numbers 20 times greater than those showing their support for nuclear energy at Nuclear Regulatory Commission (NRC) and Environmental Protection Agency (EPA) public comment events. This is not to say that there aren't many supporters of nuclear power. They just seem outnumbered due to event turnout. It also reflects how passionate the anti-nuclear activists are. At public comment events everyone is given time to speak. The speakers are not subject matter experts. Opinions drawn from false assertions distort reality and the science becomes meaningless for those that do not know any better. This government platform generates emotions that dismiss

scientifically demonstrable benefits of nuclear power.

In America, everyone is allowed to have an opinion. However, public comment periods pertaining to nuclear technology have more to do with propagating “Occupy Wall Street” sentiments with erstwhile protagonist, rather than generating meaningful discussion about substantive issues. When a “fact” has been proven to be incorrect, does it still need to be entertained time after time? What is the benefit of giving a soapbox to those that bring nothing substantive to the table to discuss, time after time after time? And what if this speech by activists, that is not grounded in fact or reality, prevents billions of dollars from being invested into infrastructure and job creation within a State? Is this baseless speech not slanderous that may cost a State untold millions in economic activity? Shouldn’t State governments have a means of redress?

This doesn’t happen just in the nuclear industry. It also happens with other technologies. The best, recent examples are the coal and fracking industries.

Shouldn’t a State (or even a municipal government) be able to limit and deter slander? A State’s part of ensuring domestic tranquility is in the deterrence and limiting of slander and libel.

Everyone should have the freedom to speak, but public comment periods at

federal agencies on anything nuclear have become meaningless. Many comment periods resemble a cross between Comicon and a conspiracy theorists convention. If the NRC, EPA, or even the State wants to determine the popularity of a project, then they easily could have a referendum with the communities that nuclear projects affect. All the stakeholders can then take their messages to the people on their own time and expense. Towns, counties, and even State governments could pass resolutions in support or against any project, at anytime.

States should have the right to form an authority to hear legitimate issues pertaining to nuclear technology. They should be able to address and put to bed many issues in order to never allow them to arise again. Especially if an assertion is proven to either be false or true. Constant rehashing of issues that cannot be proven does not add any benefit to the debate of any issue. Such an authority should still listen to the people and entertain legitimate grievances. The established authority enables the discussion to be more productive by guiding discourse firmly away that which is not legitimate. The same authority should be able to seek damages for the State for slander and libel (the promotion of illegitimate assertions).

It is in this vein that a State may help facilitate constructive and substantive discussion on issues pertaining to nuclear technology. A State is well within its rights to cut off public input requested by a

Federal government agency. Especially when that input can be shown to serve no useful purpose and serves to promote slander and libel against the future prosperity of the State.

The population of a state, popularly elects its State officials to represent them. Why should it be any different in dealing with the federal government? Any state that seeks to develop nuclear technology, or any other power source should adopt a method that allows a better reflection of the will of its population. A State should not tolerate a venue that propagates false perceptions and follows them up with ill guided regulations and hangs states with policies like economic albatrosses.

Benefits of a State Authority

The state authority would act in determining the will of its citizens. As issues and assertions are settled, they will be applicable to future projects. The duration of public comment will be greatly reduced. Reduced timelines are beneficial in any industry trying to bring a product or service to market.

An Authority could also be used to make sure that just one or a few politicians cannot utilize their biases to hold an entire industry hostage. The Shoreham Nuclear Power Plant on Long Island cost \$5 billion and was prohibited from opening because New York Governor

Mario Cuomo refused to participate in drawing up an emergency evacuation plan. A Nuclear Energy Authority would represent the will of the people and would not allow a single person to stop such a project from moving forward.