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NRC REVERSES LICENSING BOARD REQUIREMENT FOR STAFF INQUIRY
INTO ALLEGED RACIAL DISCRIMINATION IN SITING OF PROPOSED LES FACILITY

The Nuclear Regulatory Commission has issued an order affirming in part, reversing in part, and sending back for further proceedings various NRC Atomic Safety and Licensing Board rulings concerning the Louisiana Energy Services (LES) application to build a uranium enrichment plant near Homer, Louisiana.

Acting on appeals from both LES and the NRC staff, the Commission reversed the May 1997 Licensing Board decision requiring a more thorough inquiry into possible racial discrimination in the siting of the facility. The order says that such a "free-ranging inquiry" into the site-selection process would go beyond that required by the National Environmental Policy Act, a 1994 Presidential Executive Order, and guidelines of the Council on Environmental Quality. Chairman Shirley Ann Jackson disagreed with some aspects of this part of the order, saying she would prefer that the staff further investigate the siting process without focusing on alleged intentional racial motives, to ensure that the siting criteria were reasonable and applied equitably.

The Commission also stated, however, that it would give "particularly close scrutiny" to adverse impacts that fall heavily on minority and impoverished communities. It therefore affirmed the Licensing Board's ruling that the NRC environmental impact statement inadequately considered the effect of the proposed facilities on property values in two neighboring communities and the relocation of a road running between them.

Other environmental aspects of the project affected by the Commission order include factors involved in balancing costs and benefits.

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EDITORS: A copy of the order is available from this office. It is also being posted on the NRC's Internet web site at <http://www.nrc.gov/OPA/reports/lesdocs.htm>.