



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Telephone: 301/415-8200

Washington, DC 20555-001 E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 03-139

October 31, 2003

NRC ISSUES DRAFT POLICY STATEMENT ON ENVIRONMENTAL JUSTICE FOR PUBLIC COMMENT

The Nuclear Regulatory Commission (NRC) is issuing for public comment a draft policy statement on the treatment of environmental justice matters in agency regulatory and licensing actions.

In drafting the statement, the NRC recognizes that the impact of its regulatory or licensing actions on certain populations may be different from those on the general population due to a community's distinct cultural characteristics. The draft policy statement reflects the view that the disproportionately high and adverse impacts of a proposed action that fall heavily on a particular community call for close scrutiny under the National Environmental Policy Act (NEPA).

In February 1994, President Clinton issued to all Federal agencies Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" that directed them to make achieving environmental justice part of their mission by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority and low-income populations.

Although independent agencies, such as the NRC, were only requested to comply with this Executive Order, the agency in a letter to President Clinton indicated that it would endeavor to carry out the measures set forth in the Order as part of its efforts to comply with NEPA.

The Commission has expressed its views on environmental justice-related matters in the context of two separate licensing cases. In one proceeding, Louisiana Energy Services proposed (the application was eventually withdrawn) to build a privately owned uranium enrichment facility between two African-American communities. In the other, Private Fuel Storage proposed to build an independent spent fuel storage installation on the Goshute Indian Reservation in Utah. In both of these cases, the NRC noted the Executive Order did not establish any new rights or remedies in environmental justice. Instead, The Commission found in the latter proceeding that environmental justice, as applied to the NRC, "means that the agency will make an effort under NEPA to become aware of the demographic and economic circumstances of local communities where nuclear facilities are to be sited, and take care to mitigate or avoid special impacts attributable to the special character of the community."

In light of these cases, the Commission sees a need, and believes it appropriate, to make clear its views and policies on the significance of the Executive Order, as well as guidelines on when and how environmental justice will be considered in its licensing and regulatory actions.

Interested persons are invited to submit comments on the draft policy statement on environmental justice within 60 days of publication of the statement in the *Federal Register*, expected shortly. Comments should be sent to the Secretary, Nuclear Regulatory Commission, Washington, D.C. , 20555-0001, Attention: Rulemaking and Adjudication Staff. After weighing the comments received, the NRC will develop a final policy statement.

###