Draft Policy Statement
(68FR62642)

(16)

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**To:** " Secretary Nuclear Regulatory C" <hearingdocket@nrc.gov>
**Date:** Mon, Feb 2, 2004 6:37 AM
**Subject:** Comments on the draft Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions

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DOCKETED
USNRC

February 2, 2004 (12:05PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

February 1, 2004

Nuclear Regulatory C:

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff

Re: Comments on the draft "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions"

To Whom It May Concern:

The draft policy statement on the treatment of environmental justice (EJ) matters in U.S. Nuclear Regulatory Commission (NRC) licensing, rulemaking, and regulatory actions purports to be a reaffirmation of the Commission's commitment to the consideration of EJ issues within the context of National Environmental Policy Act (NEPA) licensing requirements. Framing the statement thus is disingenuous, however, because the draft policy statement suggests a retreat from a previous NRC commitment to seriously consider EJ issues in its licensing and adjudicatory actions. Moreover, the statement gives license to NRC staff to deemphasize EJ matters in licensing proceedings, a contrary to the intent of Executive Order 12898 (hereafter, "the EO"), "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The EO was issued as progressive public policy initiative designed to mitigate environmental and health hazards created by federally-sanctioned developments and industrial activities that disproportionately affected minority and low-income populations.

The NRC's draft EJ policy statement appears to be a nod to the Nuclear Energy Institute (NEI), which submitted to the NRC a letter in December 2002, sharply criticizing the agency for its handling of EJ issues in licensing hearings involving Louisiana Energy Services (LES), which seeks a license for a uranium enrichment facility; and Private Fuel Storage (PFS), which seeks a license for a high-level nuclear waste repository on the Indian reservation of the Goshute tribe in Skull Valley, Utah. This draft policy statement appropriates many of the arguments and incorporates some of the recommendations articulated by the NEI in its letter.

EJ matters have been justly addressed by the NRC in the cases of LES and PFS, despite NEI's assertion to the contrary. The licensing woes of these companies do not warrant a wholesale policy revision as significant as the one proposed, which would greatly benefit the nuclear industry but hinder

Template = SECY-067

SECY-02

the achievement of environmental justice in NRC licensing and regulatory actions. In 1994, then Chairman Ivan Selin pledged that the NRC would "endeavor to carry out the measures set forth in EO 12898," but it now appears that the NRC abandoning its commitment to achieving environmental justice.

The NRC should retract its recent draft EJ policy statement and instead commit itself more fervently to the goals set forth in the EO.

Sincerely,

Mark Deats