

NRC IMPLEMENTATION OF ENVIRONMENTAL JUSTICE

Presented by

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OVERVIEW

- Background
- NRC's environmental justice strategy
- Agreement States program
- Atomic Safety and Licensing Board's recent LES decision

BACKGROUND

- Executive Order 12898 directs Federal agencies to make environmental justice a part of its mission --

“by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.”
- The Executive Order requested that independent agencies (such as NRC) comply.
- NRC voluntarily indicated it would endeavor to carry out the measures set forth in the Executive Order and accompanying memorandum.
- NRC is affected primarily in fulfillment of its NEPA responsibilities in the licensing process.

NRC STRATEGY ON ENVIRONMENTAL JUSTICE

- NRC's strategy is based on 5 implementation principles:
 - integration of environmental justice into NRC's NEPA activities.
 - continuation of senior NRC management involvement to provide guidance.
 - openness with the public and clarity of agency positions.
 - communication and welcoming of public participation with stakeholders including minority and low-income communities.
 - continued review and monitoring of Title VI activities, under the Civil Rights Act of 1964, as they address funding of training and travel under Section 274 of the Atomic Energy Act.

- NRC will give consideration to CEQ guidelines, when they are issued, on integrating environmental justice into NRC decision making under NEPA.

NRC STRATEGY ON ENVIRONMENTAL JUSTICE (CONT'D)

- Implementation of strategy (e.g., Office of Nuclear Material Safety and Safeguards).
- Address environmental justice in every EIS and supplement to an EIS. Address environmental justice in EA's involving a FONSI only in special cases.
- Steps for evaluating environmental justice --
 - (1) obtain demographic data for site and surrounding communities, and evaluate their potential for an environmental justice concern. Include affected populations in the process and solicit input during scoping meetings for an EIS.
 - (2) evaluate impacts of proposed action from standpoint of whether there is a "disproportionately high and adverse" impact to the minority or low-income population surrounding the site.

NRC STRATEGY ON ENVIRONMENTAL JUSTICE (CONT'D)

- Steps for evaluating environmental justice (cont'd) --
 - (3) assess any mitigative measures to reduce the impact, and examine any benefits of the project that may outweigh its impacts.
 - (4) document the environmental justice evaluation in the EIS (or special case EA).

AGREEMENT STATES PROGRAM

- Under NRC's implementing strategy, environmental justice involves primarily NRC's fulfillment of its NEPA responsibilities as an integral part of the licensing process.
- Agreement State licensing actions are regarded as State actions to which NEPA does not apply.
- States may have their own State environmental policy requirements or environmental justice responsibilities under State law.

ASLB INITIAL DECISION ON LOUISIANA ENERGY SERVICES (LES)

- LES is an applicant for an NRC license to enrich nuclear material.
- An intervenor (“CANT”) asserted an environmental justice contention under NEPA in the proceeding before an NRC licensing board.
 - CANT claimed the proposed facility had negative economic and sociological impacts on the communities of Forest Grove and Center Springs that were not adequately addressed in the FEIS.
- The licensing board found NRC’s voluntary agreement to implement Executive Order 12898 made it fully applicable.
 - The board said the EO has a “nondiscrimination component” which “requires that the NRC conduct its licensing activities in a manner that ‘ensures’ those activities do not have the effect of subjecting any persons or populations to discrimination because of their race or color.”

ASLB INITIAL DECISION ON LOUISIANA ENERGY SERVICES (LES)

- The board said it did not have adequate information to rule on whether there was any discrimination in the applicant's siting process for the proposed facility.
 - It said the NRC staff needed to investigate this aspect of the siting process.
- The board also found the proposed facility would have impacts on the two nearby communities that were not adequately reflected in the FEIS.
- The board's decision is subject to review by the Commission. The applicant or the NRC staff can petition for Commission review by May 29, 1997.