



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 24, 1995

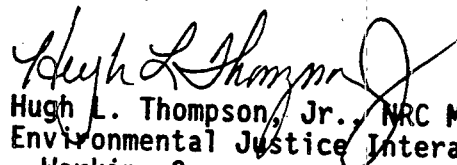
Carol Browner, Chair
Environmental Justice Interagency
Working Group
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20451

Dear Ms. Browner:

The enclosed Environmental Justice Strategy is provided by the Nuclear Regulatory Commission (NRC) in accordance with the President's Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Also enclosed is a description of specific current projects where NRC is addressing environmental justice.

If you have any questions, I can be reached at (301) 415-1713.

Sincerely,


Hugh L. Thompson, Jr., NRC Member
Environmental Justice Interagency
Working Group

Enclosures:
As stated

**U.S. NUCLEAR REGULATORY COMMISSION
ENVIRONMENTAL JUSTICE STRATEGY
MARCH 1995**

Introduction:

The Nuclear Regulatory Commission (NRC) was created by the Energy Reorganization Act of 1974 as an independent regulatory agency. The mission of the NRC is to assure that civilian uses of nuclear materials in the United States---in nuclear power plants, fuel cycle plants, and in medical, industrial and research applications---are carried out with proper regard for the protection of the public health and safety, of the environment and of national security. The NRC is not a "land management" agency, i.e., it neither sites, owns, nor manages facilities or properties. Therefore, the President's February 11, 1994, Executive Order "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" and the accompanying Presidential memorandum have been determined to primarily apply to our efforts to fulfill the requirements of the National Environmental Policy Act (NEPA) as an integral part of NRC's licensing process.

In this regard, the NRC is committed to giving careful consideration to the Council on Environmental Quality (CEQ) guidelines on how to take environmental justice¹ into account under NEPA. However, pending receipt of these guidelines, the NRC has developed its initial environmental justice implementation strategy based on the five principles discussed below.

Background:

The President's Executive Order directs all Federal agencies to develop, according to prescribed timetables, strategies for assuring environmental justice in their programs, policies, and activities. The Presidential memorandum to all agencies is a reminder of relevant provisions of existing law, including the requirement to consider, when environmental impact statements and other environmental documents are prepared, the effects of Federal actions on minority and low-income communities. Although independent agencies, such as the NRC, were only requested to comply with the Executive Order, the Chairman, in his March 31, 1994 letter to the President, indicated that the NRC would endeavor to carry out the measures set forth in the Executive Order, and the accompanying memorandum.

¹ For purposes of this document, the NRC is using the following working definition of environmental justice: environmental justice means the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income or educational level with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Principles of Environmental Justice Implementation:

The goal of the NRC's Environmental Justice Implementation Strategy is to integrate environmental justice into the conduct of all pertinent activities at the agency primarily in the NRC's fulfillment of its NEPA responsibilities. The Strategy contains five principles of implementation. The first three principles are institutional in nature and serve as the foundation for the last two principles which are operational in nature, i.e., they address specific activities. The principles emulate the "Principles of Good Regulation" which have been part of NRC policy for several years.

Integration of Environmental Justice into NRC's NEPA Activities

NRC is committed to integrating environmental justice into NRC's NEPA activities. Greater emphasis will be placed in discussing impacts on minority and low-income populations when preparing agency NEPA documents such as Environmental Impact Statements (EIS), supplemental EISs, and where appropriate, Environmental Assessments.

Continue senior management involvement

The NRC Environmental Justice Group, whose members are senior agency officials, will continue to provide guidance in this area. An Environmental Justice Coordinator has been appointed to ensure appropriate policy information flow among the different entities within the NRC, as well as with outside interested members of the public.

Openness and Clarity

Nuclear regulation is the public's business, and must be transacted publicly and candidly. Agency positions should be readily understood and easily applied.² This is of particular import when dealing with environmental justice issues.

Seeking and Welcoming Public Participation

The NRC maintains regular communication with a broad spectrum of entities, such as the States, Indian Tribes, members of the public and other Federal agencies. Outreach programs such as the Enhanced Participatory Rulemaking, open meeting policy, and scheduled meetings with Agreement States are being implemented. The NRC management is committed to improving our outreach efforts with stakeholders, including minority and low-income communities, and welcoming their input.

² From the agency's "Principles of Good Regulations" issued in January 17, 1991, announcement #6.

Continue Review and Monitoring of Title VI Activities

The NRC's financial assistance programs under Title VI of the Civil Rights Act of 1964 are limited to funding training and travel under Section 274 of the Atomic Energy Act of 1954 as amended, in connection with States assuming certain regulatory authority over specified nuclear materials, and the award of grants for the support of basic and applied scientific research and for the exchange of scientific information. 10 CFR Part 4 calls for nondiscrimination with respect to race, color, national origin and sex in any program or activity receiving Federal financial assistance from the NRC. NRC is committed to monitoring this activity.

Implementation:

The NRC's statutory offices---the Office of Nuclear Reactor Regulation which regulates nuclear power plants and research reactors; the Office of Nuclear Material Safety and Safeguards which regulates materials uses, fuel cycle facilities and waste disposal facilities; and the Office of Nuclear Regulatory Research responsible for rulemakings and confirmatory research---will assess their existing environmental activities and integrate environmental justice into these activities, as appropriate.

SPECIFIC PROJECTS WHERE NRC IS ADDRESSING ENVIRONMENTAL JUSTICE

- The staff of the Office of Nuclear Reactor Regulation (NRR) recently performed an evaluation of environmental justice in preparing its draft supplement to the Final Environmental Statement Related to the Operation of Watts Bar Nuclear Plant Units 1 and 2. The environmental justice review was performed in two phases. In the first phase, the staff reviewed recent economic, racial, and ethnic information for the Watts Bar Nuclear (WBN) Plant region and concluded that the WBN Plant is located in a predominately non-minority, low-income area. Input to the staff's evaluation was solicited from the public during the public comment period. No comments were received on environmental justice. The staff then considered in the second phase whether the low-income community near the WBN Plant is expected to experience disproportionately high and adverse human health or environmental effects and concluded the community would not experience such impacts. The Environmental Protection Agency did not comment on environmental justice during its review of the draft supplement. The WBN site review is providing the NRC with a means to begin assessing the effectiveness of its NEPA process in addressing environmental justice issues in its licensing activities. Additionally, the "Environmental Standard Review Plan for the Environmental Review of Construction Permit Applications for Nuclear Power Plants," ESRP (NUREG-0550), will include staff review guidance on evaluation of environmental justice. NRR intends to utilize workshops and media announcements to solicit input from affected minority communities. NRR anticipates gaining considerable information in this project relative to demonstrating the feasibility of addressing environmental justice issues.
- NRR conducts an extensive public scoping process (i.e., workshops, local town meetings, etc.) in the preparation of environmental impact statements for major licensing actions in order to solicit input from the public on the issues to be reviewed. This scoping process will, to the maximum extent possible, include specific solicitations from minority and low-income communities on environmental justice issues. Additionally, environmental impact statements are published in draft in order to solicit public comments prior to the proposed actions being taken. Public comment and opportunity for hearing are solicited via Federal Register notice.
- Louisiana Energy Services (LES) applied to the NRC in January 1991, for a license to build a uranium enrichment plant in Claiborne Parish, Louisiana. Northern Louisiana, including Claiborne Parish, is an economically depressed area, and the proposed site is near two small communities populated almost entirely by African Americans. The Office of Nuclear Material Safety and Safeguards (NMSS) issued the Draft Environmental Impact Statement in November 1993. Since the Executive

Order had not been issued as of that date, there was no discussion of environmental justice in the Draft EIS, although there was a discussion of the socio-economic impacts of the proposed action. The Final Environmental Impact Statement was issued in August 1994. It contains a discussion of environmental justice, including a description of the surrounding neighborhoods, the site selection process and a consideration of whether there was possible discrimination in the process, and possible disproportionate impact. The statement concludes that there is no evidence of discrimination, and that there will be no significant disproportionate impacts on minorities or economically disadvantaged persons.

- The Office of Nuclear Regulatory Research (RES) is using an enhanced participatory process for developing radiological criteria for decommissioning. As part of this process, the NRC conducted a series of seven workshops from January through May 1993. Workshop participants represented a broad spectrum of interests including interests related to environmental justice.

