

DEPARTMENT OF JUSTICE**Notice of Lodging of Proposed Consent Decree Under the Clean Water Act**

On August 30, 2021, the Department of Justice filed a complaint and lodged a proposed consent decree with the United States District Court for the District of Montana in the lawsuit entitled *United States v. Northern Cheyenne Utilities Commission*, Civil Action No. 1:21-cv-00094–SPW–TJC.

The United States filed this lawsuit against the Northern Cheyenne Utilities Commission (“Defendant”) for violations of the Clean Water Act at the Lame Deer Wastewater Treatment Facility (“Facility”). The Facility is operated and maintained by the Defendant and located in Lame Deer, Montana, within the exterior boundaries of the Northern Cheyenne Indian Reservation. The Complaint seeks injunctive relief and civil penalties for the following violations of the Clean Water Act: Unpermitted discharge of pollutants from the Facility, noncompliance with the terms and conditions of the National Pollutant Discharge Elimination System (“NPDES”) permit issued to the Facility, and Defendant’s failure to comply with the requirements of an administrative Order for Compliance issued to Defendant by the United States Environmental Protection Agency on July 7, 2015 (Docket No. CWA–08–2015–0020).

Under the proposed Consent Decree, Defendant will perform injunctive relief, including: Completion of certain Facility related physical improvements; the acquisition and maintenance of equipment spare parts; development of a Plan of Operations to operate and maintain the Facility in a manner consistent with its NPDES permit and the Clean Water Act; training and hiring of certified waste operators; development of an annual Facility budget; completion of an interim service rates study and implementation of service rates based on the study; development of an updated billing and collection policy; and development of a communication and notification plan to improve coordination on issues related to wastewater collection and treatment services provided by Defendant. In addition, Defendant will pay a \$1,500.00 civil penalty, based on certain ability to pay limitations. The Consent Decree resolves the civil claims alleged by the United States in the Complaint.

The publication of this notice opens a period for public comment on the Consent Decree. Comments on the

Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Northern Cheyenne Utilities Commission*, D.J. Ref. No. 90–5–1–1–11646. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$53.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the appendices and signature pages, the cost is \$12.50.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–19569 Filed 9–9–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE**Notice of Lodging Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Acquest Transit, LLC, et al.*, No. 09–cv–55, was lodged with the United States District Court for the Western District of New York on September 3, 2021.

This proposed Consent Decree concerns a complaint filed by the United States against Defendants Acquest Transit, LLC, Acquest Development LLC, and William L. Huntress, pursuant to 33 U.S.C. 1319, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by

discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to make a payment to the New York State Department of Environmental Conservation Natural Resource Damages Fund.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Tsuki Hoshijima, Post Office Box 7611, Washington, DC 20044–7611, pubcomment_edo.enrd@usdoj.gov and refer to *United States v. Acquest Transit, LLC, et al.*, DJ # 90–5–1–1–18377.

The proposed Consent Decree may be examined at the Clerk’s Office, United States District Court for the Western District of New York, 2 Niagara Square, Buffalo, NY 14202. In addition, the proposed Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2021–19507 Filed 9–9–21; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2021–0137]

Systematic Assessment for How the NRC Addresses Environmental Justice in Its Programs, Policies, and Activities

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: On July 9, 2021, the U.S. Nuclear Regulatory Commission (NRC) requested comments as part of its systematic review for how NRC programs, policies, and activities address environmental justice. Specifically, the NRC requested input on how the agency is addressing environmental justice, considering the agency’s mission and statutory authority. The information will be used to inform the agency’s assessment of how it addresses environmental justice. The public comment period was originally scheduled to close on August 23, 2021 and was extended to September 22, 2021. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The due date for comments requested in the notice, published on July 9, 2021, (86 FR 36307) is extended. Submit comments by October 29, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Telephone:* 301-415-3875 or 800-882-4672.

- *Email:* NRC-EJReview@nrc.gov.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0137. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

CONTACT section of this document. For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Allen Fetter, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-8556, email: Allen.Fetter@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2021-0137 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0137.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov.

nrc.gov. The Staff Requirements Memorandum (SRM)-M210218B, "Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business, 10:00 a.m., Thursday, February 18, 2021, Video Conference Meeting," dated April 23, 2021, which provides direction to the staff or this assessment, is available in ADAMS under Accession No. ML21113A070.

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages comment submission via email and phone. Please reference Docket ID NRC-2021-0137 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post comment submissions received via [regulations.gov](https://www.regulations.gov) at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC is an independent agency established by the Energy Reorganization Act of 1974 that began operations in 1975 as a successor to the licensing and regulatory activities of the Atomic Energy Commission. The NRC's mission is to license and regulate the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety and to promote the common defense and security and to protect the environment. As part of its licensing and regulatory activities, the NRC conducts safety, security, and environmental reviews.

Specifically, with respect to environmental reviews, the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, requires all Federal agencies to evaluate the impacts of proposed major actions on the human environment. As part of its responsibilities under NEPA, the NRC considers environmental justice. According to the Commission, "[t]he term 'environmental justice' refers to the federal policy established in 1994 by Executive Order 12898, which directed federal agencies to identify and address 'disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.'" *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), CLI-15-6, 81 NRC 340, 369 (2015).

The NRC, as an independent agency, was requested, rather than directed, to comply with Executive Order 12898, and this Executive Order did not, in itself, create new substantive authority for Federal agencies. In a March 31, 1994, letter to President Clinton, NRC Chairman Ivan Selin indicated that the NRC would endeavor to carry out the measures set forth in Executive Order 12898 and the accompanying memorandum as part of the NRC's efforts to comply with NEPA (ADAMS Accession No. ML033210526). As noted in the NRC's 1995 Environmental Justice Strategy (ADAMS Accession No. ML20081K602 (March 24, 1995)), because "the NRC is not a 'land management' agency, *i.e.*, it neither sites, owns, or manages facilities or properties," the NRC determined that Executive Order 12898 would "primarily apply to [NRC] efforts to fulfill" NEPA requirements as part of NRC's licensing process.

On August 24, 2004, following public comment on a draft Policy Statement (68 FR 62642), the Commission issued its "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions" (69 FR 52040). The purpose of this Policy Statement was to set forth a "comprehensive statement of the Commission's policy on the treatment of environmental justice matters in NRC regulatory and licensing actions." *Id.* at 52,041. The Policy Statement explains that the focus of an environmental justice review "should be on identifying and weighing disproportionately significant and adverse environmental impacts on minority and low-income populations that may be different from the impacts on the general population. It is not a broad-ranging or even limited

review of racial or economic discrimination.” *Id.* at 52,047.

The Policy Statement also reiterates guidance on defining the geographic area for environmental justice assessments and identifying low-income and minority communities. *Id.* In addition, it explains that a scoping process is used to “assist the NRC in ensuring that minority and low-income communities, including transient populations, affected by the proposed action are not overlooked in assessing the potential for significant impacts unique to those communities.” *Id.* at 52,048. In performing a NEPA analysis, “published demographic data, community interviews and public input through well-noticed public scoping meetings should be used in identifying minority and low-income communities that may be subject to adverse environmental impacts.” *Id.*

On April 23, 2021, in a Staff Requirements Memorandum (ADAMS Accession No. ML21113A070), the Commission directed the staff to “systematically review how the agency’s programs, policies, and activities address environmental justice.” As part of this review, the Commission directed the staff to evaluate recent Executive Orders and assess whether environmental justice is appropriately considered and addressed in the agency’s programs, policies, and activities, given the agency’s mission. As directed, the staff will consider the practices of other Federal, State, and Tribal agencies and evaluate whether the NRC should incorporate environmental justice beyond implementation through NEPA. The staff will also review the adequacy of the 2004 Policy Statement. The Commission further directed the staff to consider whether establishing formal mechanisms to gather external stakeholder input would benefit any future environmental justice efforts. To carry out the Commission’s direction, the staff is seeking to engage stakeholders and interested persons representing a broad range of perspectives. This **Federal Register** notice is part of this engagement effort.

III. Requested Information and Comments

On July 9, 2021, the NRC published a notice in the **Federal Register** (86 FR 36307) requesting comments. The comment period was originally scheduled to close on August 23, 2021 and was extended to September 22, 2021 (86 FR 43696). The NRC staff has decided to extend the comment period until October 29, 2021, to allow more time for members of the public to submit their comments.

The NRC is interested in obtaining a broad range of perspectives from stakeholders and interested persons. The focus of this request is to gather information to inform a systematic assessment for how the NRC addresses environmental justice in its programs, policies, and activities, considering the agency’s mission and statutory authority. The NRC is particularly interested in receiving input on the following questions:

(1) What is your understanding of what is meant by environmental justice at the NRC?

(2) As described in the Commission’s 2004 Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (69 FR 52040), the NRC currently addresses environmental justice in its NEPA reviews to determine if a proposed agency action will have disproportionately high and adverse impacts on minority and low-income communities, defined as environmental justice communities.

(a) When the NRC is conducting licensing and other regulatory reviews, the agency uses a variety of ways to gather information from stakeholders and interested persons on environmental impacts of the proposed agency action, such as in-person and virtual meetings, **Federal Register** notices requesting input, and dialog with community organizations.

(i) How could the NRC expand how it engages and gathers input?

(ii) What formal tools might there be to enhance information gathering from stakeholders and interested persons in NRC’s programs, policies, and activities?

(iii) Can you describe any challenges that may affect your ability to engage with the NRC on environmental justice issues?

(b) How could the NRC enhance opportunities for members of environmental justice communities to participate in licensing and regulatory activities, including the identification of impacts and other environmental justice concerns?

(c) What ways could the NRC enhance identification of environmental justice communities?

(d) What has the NRC historically done well, or currently does well that we could do more of or expand with respect to environmental justice in our programs, policies, and activities, including engagement efforts? In your view, what portions of the 2004 Policy Statement are effective?

(3) What actions could the NRC take to enhance consideration of environmental justice in the NRC’s

programs, policies and activities and agency decision-making, considering the agency’s mission and statutory authority?

(a) Would you recommend that NRC consider any particular organization’s environmental justice program(s) in its assessment?

(b) Looking to other Federal, State, and Tribal agencies’ environmental justice programs, what actions could the NRC take to enhance consideration of environmental justice in the NRC’s programs, policies, and activities?

(c) Considering recent Executive Orders on environmental justice, what actions could the NRC take to enhance consideration of environmental justice in the NRC’s programs, policies, and activities?

(d) Are there opportunities to expand consideration of environmental justice in NRC programs, policies, and activities, considering the agency’s mission? If so, what are they?

Dated: September 7, 2021.

For the Nuclear Regulatory Commission.

Gregory F. Suber,

*Director, Environmental Justice Review Team,
Office of the Executive Director for
Operations.*

[FR Doc. 2021–19549 Filed 9–9–21; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 13, 20, 27, October 4, 11, 18, 2021.

PLACE: Commissioners’ Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of September 13, 2021

Tuesday, September 14, 2021

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 20, 2021—Tentative

There are no meetings scheduled for the week of September 20, 2021.

Week of September 27, 2021—Tentative

Thursday, September 30, 2021

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines (Public Meeting); (Contact: Candace De Messieres: 301–415–8395).