

From: Rosetta Virgilio *SR*
To: WNP1.HLT, RLB2, WND2.WNP4.FJM, WNP2.SAT, TWD2.TWP7...
Date: 3/31/97 5:04pm
Subject: UPDATE TO 3/26 E-MAIL REGARDING REVISED DRAFT CEQ GUIDANCE

NRC EJ Group Members -

In followup to the first item highlighted in last week's e-mail, DOJ representative Sylvia Liu today clarified her Department's concerns relative to the subject draft guidance as follows: DOJ has raised concerns relative to litigation risks in requiring agencies to consider socioeconomic impacts during the EA (not EIS) stage. Per Ms. Liu, DOJ encourages consideration of socioeconomic impacts in the EA stage; however, DOJ feels each agency should do this within their own discretion and flexibility. Again, agency comments are due to Mr. Campbell, CEQ by April 15; I will coordinate NRC comments and would like to receive them by April 8.

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From: Rosetta Virgilio
To: WNP1.HLT, RLB2, WND2.WNP4.FJM, WNP2.SAT, TWD2.TWP7...
Date: 3/26/97 7:52pm
Subject: REVISED DRAFT CEQ GUIDANCE CONSIDERING EJ UNDER NEPA

NRC EJ Group Members -

I am forwarding to you under separate cover a copy of the subject revised draft guidance provided by Brad Cambell, White House CEQ during this afternoon's meeting of the EJ Interagency Working Group, Subcommittee on Policy and Coordination. Brad asked agencies to identify any "significant concerns" by April 15, 1997. I will coordinate and provide NRC comments (due to me by COB April 8) to Brad via e-mail with a copy to Clarice Gaylord/EPA, as requested.

I have not yet had an opportunity to digest and compare the revised draft against the May 24, 1996 draft guidance; however, Brad did indicate three major categories of change, as follows:

1. The requirement in EJ context that agencies look at socio-economic impacts when preparing EISs. DOJ has raised strong objections on this issue, arguing there is no legal requirement to look at socioeconomic impacts under NEPA. This issue must be resolved, of course, before the guidance can be finalized. Note: DOJ was not represented at today's IWG Subcommittee meeting.
2. A new section has been added raising a specific requirement for agencies to supplement their procedures to address EJ issues in circumstances where no EIS or EA is prepared (see D. top of page 15).
3. Agencies would be required to take EJ into account whenever promulgating or revising regulations, policies, procedures and guidance under NEPA or any other Act (see IV. Regulatory Changes, page 15).

An EDO highlight will follow, capturing this and other highlights of today's meeting.

Rosetta
-2307

CC: PHL, SCD