



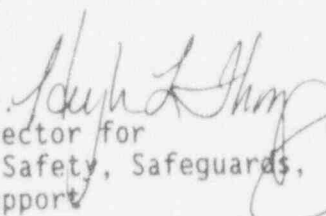
UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 2, 1994

KT - Newberry  
See FJM

MEMORANDUM TO: NRC Environmental Justice Group  
R. Bangart, OSP  
J. Hickey, NMSS  
A. Hodgdon, OGC  
M. Lopez-Otin, OSP  
F. Miraglia, NRR  
B. Morris, RES  
S. Treby, OGC

FROM: Hugh L. Thompson, Jr.   
Deputy Executive Director for  
Nuclear Materials Safety, Safeguards,  
and Operational Support

SUBJECT: INPUT TO THE DRAFT ENVIRONMENTAL JUSTICE  
IMPLEMENTATION PLAN

As you know, the Executive Order on Environmental Justice calls for a Draft Environmental Justice Implementation Plan to be submitted to the Interagency Working Group by December 11, 1994. To comply with this date, I am requesting that your offices provide a write-up for each of the pertinent items found in Attachment 1. In addition, please review the Environmental Justice Survey (Attachment 2) which contains the input your office provided, and address how you plan to integrate environmental justice as part of those on-going activities.

The Chairman has stated that we will share the Plan with organized stakeholders, and other affected populations through workshops, specialized media, etc. To enable us to do this, I would like your submittals by November 17, 1994.

Attachments:  
As stated

*FAX COVER PAGE*

TO: Lopez-Otin, Maria

FROM: Martin Halper

Subcommittee on Policy & Coordination

PHONE: 260 2452

FAX: 301-504 3502



**UNITED STATES  
ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF  
ENVIRONMENTAL  
JUSTICE**

NOTES: As promised, from Implementation Task Force

September 12, 1994

MEMORANDUM

SUBJECT: EJ Process Development Checklist Descriptions

FROM: Implementation Task Force

TO: Interagency WorkGroup Members

This memo is intended to provide more explanation and examples of items identified under the Environmental Justice Process Development checklist submitted by the Implementation Task Force. The Task Force decided that while the Process Development checklist was helpful to some agencies developing their environmental justice strategies, further clarification, explanation and examples were needed.

Item #Clarification Example

1. Department Head Support Self-explanatory

2. Senior Leadership Buy-in

Develop incentives to encourage agency-wide commitment to environmental justice (EJ) such as issuing policy directives to establish EJ goals, EJ training of senior management at meeting, retreats.

3. Infrastructure - Clearinghouse

Designate office public information center to compile, disseminate reports, papers, symposia information, brochures, videotapes on EJ.

Appoint EJ contact people in Regional and program offices.

4. Assessment of Existing Programs

Describe current baseline activities that are EJ related (e.g., conduct demographics of where federal waste facilities are placed; what databases are applicable to EJ)

Conduct assessment of the equal application of regulatory or enforcement actions (e.g., are enforcement efforts

Item #Clarification Example

conducted at the same rate, type and penalties assessment in minority and low-income communities as in majority communities?)

Utilize information from National Performance Reviews (e.g., customer satisfaction surveys on agency activities.)

How equitable are agency processes applied? (e.g., at FEMA are low income, minority communities given same consideration for disaster loans as majority communities).

5 Title VI Reviews

Examine whether possible discriminatory acts have occurred by the overtarging or oversiting of hazardous facilities in underrepresented, undeserved communities. Are federal, state and local programs and funds fairly distributed to communities?

6 Internal Timetable

Self-explanatory

7 E.O. Pertinent Activities

Special projects created as a result of the Executive Order such as the Inter-Agency Mississippi Delta Project -- a major health-exposure assessment study of low income, minority communities exposed to hazardous substances in a seven state area.

8 Planning, Implementation, Monitoring

Self-explanatory

OC \* 9 Minority Contracts - EJ Programs

Self-explanatory

| <u>Item #</u>                  | <u>Clarification/Example</u>   |
|--------------------------------|--|
| → 10. Public Participation     | Special public outreach activities to enhance participation of targeted groups in agency programs (e.g. use of citizens advisory panels to review environmental policies, guidelines and programs).  |
| → 11. Pilot EJ Projects        | Feasibility, demonstration projects to address specific, local community environmental issues (e.g. community economic development projects – training and employing residents of public housing units to abate lead paint; utilizing underserved communities to improve a local natural resource).                                  |
| 12. Cultural Diversity         | Self-explanatory   |
| → 13. Interagency Coordination | Related mission agencies should collaborate and coordinate projects, resources and programs to maximize EJ efforts (e.g. Health agencies should coordinate clinical investigations and health delivery services to high risk communities; agencies with environmental enforcement authorities should collaborate on targeted areas). |



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20546-0001

6-7-94

Ms. Kathy Aterno  
Office of Environmental Justice  
Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20451

Dear Ms. <sup>Kathy</sup> Aterno:

It was very nice seeing you again at the May 20, 1994, National Environmental Justice Advisory Council Meeting. I sent the documents I gathered at the meeting to the Commissioners and have received a number of good comments and questions.

Mr. Hugh Thompson, who as you know, is the NRC's representative to the Environmental Justice Interagency Working Group, has asked me to be his point of contact. In this regard, I have worked with Ann Hodgdon of our Office of General Counsel to develop the enclosed responses to the Environmental Justice survey, which I know she has sent to your office through INTERNET.

In addition, Ann tells me that your staff is to give us the form for the "strategy submittal." We have not received it, so could you please have someone fax it to either Ann or me?

Hugh is quite interested in this project, so let us keep in touch. I can be reached at 301-504-2598 or by fax 301-504-3502.

Hasta Luego,

A handwritten signature in cursive script, appearing to read "Maria".

Maria Lopez-Otin  
Federal Liaison  
Office of State Programs

Enclosure:  
As stated

ATTACHMENT 2

9410250029

June 6, 1994

AGENCY SURVEY  
ENVIRONMENTAL JUSTICE

NAME: Ann Hodgdon, Office of the General Counsel, NRC  
Maria Lopez-Otin, Federal Liaison, NRC

TELEPHONE: Ann Hodgdon (301) 504-1587/FAX: (301) 504-3725  
Maria Lopez-Otin (301) 504-2598/FAX: (301) 492-0259

INTERNET: Ann Hodgdon - aph @ nrc.gov  
Maria Lopez-Otin - mlo @ nrc.gov

1. What systems do you have in place which provide for non-discrimination? (e.g. for grants and contracts, periodic audits/assessments, survey forms)
  - o The Commission's regulations in 10 C.F.R. § 19.32 prohibit sex discrimination in any activity licensed by the Commission.
  - o Provisions are made for expedited contracting procedures for contracts awarded to minority-owned businesses ("8(a) firms").
  - o 1992 contract awards to "8(a) firms" totalled approximately \$15 million, or 18.6 percent of the actual dollar awards of all prime contracts.
  - o 1992 contract awards to small business concerns owned and operated by women was estimated to be \$3.2 million, or 4.6 percent of the actual dollar awards of all prime contracts.
  - o The NRC has an EEO and Affirmative Employment program, with an Affirmative Action Advisory Committee, a Committee on Age Discrimination, an Asian-Pacific American Advisory Committee, a Federal Women's Program Advisory Committee, an Hispanic Employment Program Advisory Committee, and an NRC Chapter of Blacks in Government. The Commission is briefed several times each year concerning the programs, goals, and accomplishments of these Committees.
  
2. Please identify studies which could assist the working group. Examples include research, health, economic, sociobiological, data, or targeted population studies which could assist the working group (Title, Date, and Reference Number).
  - o "Cancer in Populations Living Near Nuclear Facilities," U.S. Department of Health and Human Services, NIH 90-874, July 1990.

- o "Evaluation of Exposure Pathways to Man from Disposal of Radioactive Materials Into Sanitary Sewer Systems," NUREG/CR-5814, May 1992.
3. Identify the organization's major relevant databases. List the name of the database, a one sentence description of the type of information contained in the database, and if this information is currently or could be shared (e.g. XXX system, a database which contains baseline health data from a study conducted in the Louisiana Corridor, available through Internet).
- o NRC's major database is NUDOCS, a database which contains agency communications, abstracts and some full text of agency and contractor reports, available via modem link. However, NUDOCS is only marginally relevant to the areas of concern.
  - o REIRS is a database of radiological exposure to employees of NRC licensees, which would be useful in future epidemiological studies.
4. How and when does your organization get public input into its activities? (Includes statutory and non-statutory)
- o The NRC conducts notice and comment rulemaking.
  - o The public may petition the NRC for action under 10 C.F.R. § 2.206.
  - o Interested members of the public can intervene in hearings on licensing actions.
  - o The Commission issues policy statements on some of which it seeks public comment. The Commission also publishes its NUREG documents and its Generic Letters in draft for public comment. Also, Environmental Impact Statements under NEPA are made available in draft for public comment.
  - o The NRC conducts numerous workshops every year on a diverse variety of subjects, such as nuclear power plant safety concerns, medical and industrial licensee concerns, and relations with state governments.
  - o Public meetings are held with licensees, applicants, vendors, manufacturers, industry groups, and public interest groups.
  - o The NRC also conducts periodic regional news briefings and incident-specific news briefings.

5. What types of outreach programs do you have that are tailored to urban or rural areas (with an emphasis on low-income populations or minority populations)?
- o Outreach programs, such as the NRC's enhanced participatory rulemaking on site cleanup standards, have specifically attempted to identify representatives from low income or minority populations for participation in the public workshops on rulemaking issues.
  - o Hearings on licensing actions are held near the facility site and the Commission's regulations allow the public to attend and make limited appearances. 10 C.F.R. § 2.715(a).
6. Identify any major programs or activities involving tribal governments or that may affect American Indian communities.
- o By regulation (10 C.F.R. § 72.200), NRC provides any affected Indian tribe the right to timely and complete information regarding determinations or plans of the Commission concerning siting, development, design, licensing, construction, operation, regulation or decommissioning of any monitored retrievable storage installation (MRS) authorized under the Nuclear Waste Policy Act of 1982. An MRS is a facility owned and operated by the U.S. Department of Energy for the storage of spent nuclear fuel or high-level radioactive waste from civilian nuclear activities.
  - o Also by regulation (10 C.F.R. § 61.70), NRC provides the opportunity for any potentially affected Indian tribe to participate in the NRC review of any license application for a land disposal facility for low-level radioactive waste. This opportunity includes making agency staff available to the tribe, to discuss the application, applicable regulations and procedures, and potential schedules. The tribe would propose the type and scope of participation it would like to undertake, including the issues it wishes to review, the information it plans to submit for consideration, any work it proposes to perform in support of licensing, and other related matters. The tribe proposal is subject to NRC approval.
  - o By regulation (10 C.F.R. § 60.61), NRC provides any affected Indian tribe the right to timely and complete information on determinations or plans of the Commission about the site characterization, siting, development, design, licensing, construction, operation, regulation, and other activities relating to any geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste. The NRC also will provide any

affected tribe the opportunity to consult with NRC staff, the opportunity to participate in license reviews, and the opportunity to proposed participation in site characterization activities, and NRC review of any license application for such a geologic repository. Proposals by affected tribes are subject to NRC review.

- o The NRC staff is currently participating in discussions that could lead to a memorandum of understanding (MOU) with the Prairie Island Dakota Tribe. The Tribe is located near the Prairie Island nuclear power plant. An MOU could address the various resources and activities of federal agencies, including the NRC, available to assist the Tribe in addressing its concerns about the potential effects on the Tribe due to its proximity to the plant.
7. Please identify memorandums of understanding or intergovernmental agreements in the area of research or health that could be related to environmental justice.
- o The NRC participates with the National Science and Technology Council, formerly the Federal Coordinating Council for Science, Engineering and Technology (FCCSET), and supports its activities, as appropriate.
  - o Memorandum of Understanding Between the Nuclear Regulatory Commission and the Environmental Protection Agency, 57 Fed.Reg. 54127, November 16, 1992.
  - o Memorandum of Understanding Between the Environmental Protection Agency and Nuclear Regulatory Commission Concerning Clean Air Act Standards for Radionuclide Releases from Facilities Other Than Nuclear Power Reactors Licensed by NRC or Its Agreement States, 57 Fed.Reg. 60778, December 22, 1992.
  - o Memorandum of Understanding Between Federal Emergency Management Agency and Nuclear Regulatory Commission, 58 Fed.Reg. 47996, September 14, 1993.
8. List pilot/or interagency projects currently underway.
- o The "Scientific Protocol for the Study of Thyroid Cancer and other Thyroid Disease in Belarus Following the Chernobyl Accident" was signed in Washington, D.C. May 26, 1994.

9. What interagency working groups do you lead or participate in where there could be a linkage with environmental justice issues? (e.g. Committee/Working Groups/Task Forces on Risk, National Information Infrastructure, Council on Sustainable Development, CENR).
- o Hugh Thompson, NRC's Deputy Executive Director for Nuclear Materials Safety, Safeguards & Operations Support, represents the NRC on the Interagency Working Group on Environmental Justice.
  - o Stuart Treby, Assistant General Counsel for Rulemaking & Fuel Cycle, is the NRC representative on the Definitions and Standards Task Force, Environmental Justice.
  - o Frank Miraglia, Deputy Director of the Office of Nuclear Reactor Regulation, is the NRC representative on the Implementation Task Force, Environmental Justice.
10. What component of your agency makes siting decisions that may affect human health or the environment.
- o NRC's office of Nuclear Reactor Regulation prepares an environmental impact statement ("EIS") for nuclear power plant license applications, which includes a consideration of the effect on human health and the environment for any proposed reactor site. The draft EIS is subject to public comment and may be the subject of litigation before an Atomic Safety and Licensing Board, whose decision may be appealed to the Commission (final agency decision maker). The Office of Nuclear Materials Safety and Safeguards prepares such environmental documents as are appropriate pursuant to NEPA in connection with fuel cycle, materials and waste disposal facility applications.
11. Please list any other information that would help the interagency working group advance environmental justice goals.
- o The following may be of interest. An NRC Licensing Board conducting the proceeding on the Louisiana Energy Services' application to construct and operate the Clairborne Enrichment Center in Homer, Louisiana, recently admitted a contention charging that the impacts of the facility will fall with disproportionate weight on minority populations. In addition, a proposal to construct a private facility to store spent fuel on the Mescalero Apache reservation in New Mexico would appear to present similar issues.