

December 14, 1995

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

Dear Ms. Browner:

Enclosed is the U.S. Nuclear Regulatory Commission's (NRC) "Interim Environmental Justice Implementation Summary." We have followed the example format sent on November 2, 1995, by the EPA's Environmental Justice Office.

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

Sincerely,

Original signed by:

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

Enclosure:
As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 14, 1995

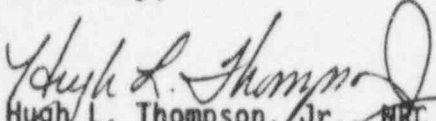
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INTERIM ENVIRONMENTAL JUSTICE IMPLEMENTATION SUMMARY

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 ensure adequate protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States. The NRC is not a "land management" agency; i.e., it neither sites, owns or manages facilities or properties. Therefore, the goal of the Interim Environmental Justice Implementation is to integrate environmental justice into the conduct of pertinent regulatory activities at the agency, primarily in the NRC's fulfillment of the National Environmental Policy Act (NEPA) responsibilities.

As set forth in the April 11, 1995 "Report to the President on Executive Order 12898," the activities that the NRC has undertaken "...sustain and encourage the strength of the agency effort exhibited thus far, while establishing an expectation that this effort will achieve results... ." Given NRC's unique budgetary authority, the NRC has followed its tradition of relying on internal procedures and on low-cost initiatives to achieve the above stated objective.¹ Therefore, the NRC offices were requested to assess their existing environmental activities and to endeavor to integrate environmental justice into their activities, as appropriate. Below is a summary of these efforts.²

¹Beginning with the Omnibus Budget Reconciliation Act of 1990 the NRC has been required to recover 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, by assessing fees to its licensees.

² These projects are in addition to the ones described in the attachment to the NRC's final "Environmental Justice Strategy". The projects will be reassessed and updated as "lessons learned" can be compiled and approved.

INTEGRATING ENVIRONMENTAL JUSTICE INTO NRC'S NEPA ACTIVITIES

PROJECT DESCRIPTION:

The Nuclear Regulatory Commission (NRC) intends to work with minority populations, low-income populations, and Tribal governments when developing an Environmental Impact Statement for the decommissioning of large nuclear materials facilities.

(PILOT PROJECT: Sequoyah Fuels Corporation)

PROJECT GOALS/MEASURES: Inform Cherokee Nation about the current status of the Sequoyah Fuels Corporation (SFC) facility in Gore, Oklahoma, and invite the Nation to participate in developing the Environmental Impact Statement (EIS) on the decommissioning of the SFC facility and associated waste disposal.

LEAD OFFICE/DIVISION: NMSS/DWM

CONTACT: James Shepherd, (301) 415-6712, or JCS2@NRC.GOV;
Maria E. Lopez-Otin, (301) 415-2598, or MLO@NRC.GOV

SUPPORT OFFICE/DIVISION: OGC and OSP; other agencies such as Army Corps of Engineers, FWS, and BIA

KEY EFFORTS AND TIME FRAMES:

- 1) Convene initial Roundtable meeting in local community and inform participants about NRC Environmental Justice program and development of the EIS on Sequoyah Fuels (completed: September 1995).
- 2) Issue Notice of Intent to prepare EIS (completed: October 1995).
- 3) Invite Cherokee Nation participation as a cooperating agency (completed: October 1995).
- 4) Conduct Community meeting with Cherokee Nation (completed: November 1995).
- 5) Conduct public meeting on the scope of the Sequoyah Fuels EIS (completed: November 1995).
- 6) Explore development of a cooperative agreement with Cherokee Nation (2nd quarter 1996).
- 7) Hold additional Roundtable meetings on quarterly basis in community (1st quarter 1996 through fourth quarter 1998).
- 8) As appropriate, issue Fact sheet on DEIS in Cherokee and English and distribute to community (1st quarter 1997).

ENHANCING NATIVE AMERICAN ACCESS TO REGULATORY ACTIVITIES

PROJECT DESCRIPTION:

The Nuclear Regulatory Commission (NRC) will work with Native American groups with a special interest in high level nuclear waste to facilitate their participation in regulatory activities.

PROJECT GOALS/MEASURES: Donate surplus computer equipment to Native American groups with the greatest identified need for enhanced access to information related to NRC rulemaking activities associated with the high level waste activities. Provide training for Native Americans on the use of the donated surplus computer equipment to: (1) access NRC bulletin board systems at FedWorld, (2) access NRC information available on the World Wide Web, (3) participate in NRC rulemakings electronically, (4) participate in NRC regulatory activities, (5) follow Congressional activities, (6) follow the activities of the executive branch of the U.S. government using the Federal Register, and (7) access other electronically accessible information. Provide training on equipment needs and utilities and services available to facilitate the acquisition of information by Tribes and its dissemination among their members.

LEAD OFFICE/DIVISION: DWM, IRM, OGC

CONTACT: Francis "Chip" Cameron (OGC), (301) 415-1642 or FXC@NRC.GOV;
Maria E. Lopez-Otin, (301) 415-2598 or MLO@NRC.GOV

SUPPORT OFFICE/DIVISION: ADM, OSP; other agencies: BIA.

KEY EFFORTS AND TIME FRAMES:

- 1) Complete first transfer of surplus computers to Native American groups (completed: July/August 1995).
- 2) Conduct training on using computers to access electronic information -- National Congress of American Indians National Indian Nuclear Waste Policy Committee meeting, NCAI annual convention (completed: October/November 1995).
- 3) Dissemination of basic resource information on using computers to access electronic information and participate in NRC rulemaking activities (completed: October/November 1995).
- 4) Transfer surplus computers to remaining high-priority Native American groups (November/December 1995).
- 5) Dissemination of supplementary reference information to increase the effective use of the donated computers (December 1995).

SEEKING AND WELCOMING PUBLIC PARTICIPATION IN THE NEPA PROCESS

PROJECT DESCRIPTION:

The Nuclear Regulatory Commission (NRC) is committed to implementation of environmental justice in its regulatory rulemaking process. As a part of this procedure, the NRC Regulations Handbook, NUREG/BR-0053 will be revised to include environmental justice.

PROJECT OFFICES/MEASURES: Ensure that all regulations published by the NRC will comply with the requirements of Executive Order 12898: "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations."

LEAD OFFICE/DIVISION: DRA/RES

CONTACTS: Naïem S. Tanious, (301) 415-6103 or NST@NRC.GOV;
Maria E. Lopez-Otin, (301) 415-2598 or MLO@NRC.GOV

KEY EFFORTS AND TIME FRAMES:

- 1) Implementation of the procedure at all NRC offices began on November 3, 1995. The essence of the procedure is that NRC staff responsible for rulemaking seek and welcome public comments by specifically inviting public comment on environmental justice as a routine matter during the rulemaking process.
- 2) Development of the procedure: The procedure was developed by the DRA (Division of Regulatory Applications) of the Office of Nuclear Regulatory Research in coordination with other NRC offices and the NRC internal Environmental Justice Working Group. The procedure calls for inclusion of a new section entitled "Environmental Justice" in environmental assessment documents and environmental impact statements prepared to support a rule. The procedure also calls for language changes in the Federal Register notice for proposed and final rules.
- 3) Revision of the NRC Regulations Handbook: The NRC Regulations Handbook is being revised by the Rules Review and Directives Branch, Division of Freedom of Information and Publication Services, Office of Administration, to include the environmental justice procedure. The NRC Regulations Handbook will ensure consistency in the implementation of environmental justice in matters pertaining to the development of regulations. This procedure and the NRC Regulations Handbook (NUREG/BR-0053) are applicable to all NRC staff involved in rulemaking activities.

DISSEMINATING INFORMATION

PROJECT DESCRIPTION:

The Nuclear Regulatory Commission (NRC) will provide a geospatial file, in LandView II format, that contains all nuclear power plants and other selected nuclear sites regulated by NRC.

PROJECT GOALS/MEASURES: Ensure that organizations have accurate nuclear site locations for environmental justice studies.

CONTACTS: Pam Kruzic, (301) 415-7575, or PGK@NRC.GOV;
Maria E. Lopez-Otin, (301) 415-2598 or MLO@NRC.GOV

KEY EFFORTS AND TIME FRAMES:

- 1) A definitive list of operating nuclear power plants has been identified. Correct latitudes and longitudes have been agreed upon through joint meetings with several NRC offices. First Quarter 1996 - file to be completed and delivered.
- 2) All sites have been compiled into a file in the LandView II format. The data are now being reviewed within the LandView II software for correctness.
- 3) Other selected sites have been added to the file; this includes: Fuel cycle licensees with emergency plans; Material licensees with emergency plans; Site decommissioning management plan sites with planned EJ reviews; Uranium mill sites with planned EJ reviews; and the High-level waste facility site selected for characterization.
- 4) Contact will be made with the developers of LandView II to explore including the NRC file on their next release of LandView II.
- 5) The file is currently available on the NRC internal World-Wide Web server. It will also be placed on the external server for access by the public.

FAX INFORMATION

**U. S. NUCLEAR REGULATORY COMMISSION
OFFICE OF STATE PROGRAMS**

STATE PROGRAMS FAX: (301) 415-3502

NUMBER OF PAGES: 7 including this page.

DATE: DECEMBER 15, 1995

TO: MARTIN HALPER

**FROM: MARIA LOPEZ-OTIN
STATE PROGRAMS**

**SUBJECT: LETTER TO CAROL BROWNER
ENVIRONMENTAL JUSTICE INTERAGENCY
WORKING GROUP**

CONTACT: VICKI BOLLING, (301) 415-2326

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