

### **Recommendation 3: Enhance Environmental Justice-Related Outreach Activities**

#### Background

The NRC considers communication and engagement with the public and other stakeholders to be an important aspect of effective regulation, and the agency recognizes the interest of external individuals and entities such as Tribal and State governments in the regulation of nuclear activities. The agency has supported and fostered the involvement of stakeholders developing various policies, principles, and plans, such as a Public Meeting Policy (1978, updated 2020), Principles of Good Regulation (1991), and the Strategic Plan (NUREG-1614, 1997, updated every 4 years). The NRC's 1995 EJ Strategy, prepared after the issuance of Executive Order (EO) 12898, also emphasizes the importance of outreach to, and input from, low-income and minority communities regarding the regulation of nuclear activities. Further, the NRC's Strategic Plan includes a goal to "inspire stakeholder confidence in the NRC."<sup>1</sup> This goal includes engaging stakeholders in an effective and transparent manner, using high quality information and ensuring information is available and accessible to interested stakeholders.

Communicating information about the NRC's regulatory activities to Tribal nations, the public, and other stakeholders is routinely accomplished through methods such as *Federal Register* notices, social media, and meeting announcements posted on the NRC's public website. For National Environmental Policy Act reviews performed by the agency, additional efforts to notify the public and other stakeholders about meetings and other opportunities for engagement and comment often include notifications in local newspapers, letters to libraries, and contacts with local and Tribal government officials in advance of public meetings. In general, project managers also have job aides and guidance related to outreach for both safety and environmental reviews. For example, NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," has a section on preparing for and conducting public meetings that references various NRC guidance documents. However, this guidance does not contain specific information on best practices for reaching and engaging communities that have EJ populations and Tribal nations with EJ concerns. In cases where an EJ community or a Tribal nation may be impacted by a project, outreach and communication is usually tailored based on information gathered by project managers, including information obtained from Tribal liaisons, regional State liaison officers, and regional and resident inspectors. This, however, is sometimes dependent on the individual initiative of a project manager owing to the less formalized nature of this process. Also, public and stakeholder outreach and engagement is usually conducted infrequently and often only when there is a pending licensing action.

#### What the Staff Learned

Although the agency supports and fosters public and stakeholder involvement, the staff heard that the NRC is not always consistent in its efforts to effectively reach, inform, and engage EJ communities and Tribal nations. Throughout its outreach effort, external and internal stakeholders and Tribal nations emphasized the importance of early engagement and building

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<sup>1</sup> Strategic Plan, Fiscal Years 2022-2026, NUREG-1614, Vol. 8 (draft report for comment), at 11 (ADAMS Accession No. [ML21260A054](#)) ("To be successful, the NRC must not only excel in carrying out its mission but must do so in a manner that inspires confidence."). The final Strategic Plan, Fiscal Years 2022-2026, NUREG-1614, Vol. 8 will be published in April 2022 and will be available at <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/index.html> (last visited March 16, 2022).

long-term relationships with community and Tribal leaders that could potentially be maintained through the life cycle of a nuclear activity or facility. Further, people in EJ communities and Tribal nations may not have access to modern infrastructure, such as broadband internet access. Some people in EJ communities also are not accustomed to following and may not even have access to the *Federal Register* or NRC public meeting notices. While Tribal representatives stated they understand the notification processes through the *Federal Register* and public meeting notices, Tribal leaders expressed a preference that the NRC initiate engagement early through a consultation process.

Many EJ populations rely on local community leaders, community organizations, and church and religious leaders to be informed about important matters in a community. Consequently, if such leaders and community organizations are not made aware of opportunities to engage with the NRC, then the general EJ population and Tribal nations will either miss opportunities to participate or are informed too late in the process to participate in a meaningful way. Through an early and ongoing consultation process, Tribal nations seek to maintain an awareness of regulatory actions and share information on the impacts of these actions on their communities.

Other commenters and NRC staff noted the need to tailor the agency's approach to the unique aspects of a community to account for potential language needs, educational needs and other considerations (e.g., communication via postcards and radio announcements, use of graphics, posting information in community centers, form of communication, and translation services) to help support effective engagement. One Tribal nation representative noted that despite the agency's extensive efforts to engage communities within the nation on a license application review, the agency was not as effective as it could have been in reaching the community. Such tailored outreach may require additional resources to execute a communications strategy that is matched to the unique conditions in the community or Tribal nation. Stakeholders suggested that more tailored outreach could be supported through established relationships with local and Tribal leaders and organizations, and those relationships could be leveraged to improve the stakeholder experience and foster trust in EJ populations and Tribal nations.

Through interviews with NRC staff, the staff heard that outreach practices and activities vary by project, and information sharing about lessons learned and best practices is not always done systematically and effectively. Commenters and the NRC staff stressed the need for plain language in describing technical aspects of the agency's work, as well as the need for translated materials for EJ communities and Tribal nations where, for some, English is not the primary language. In addition, NRC staff suggested engaging throughout the life of a facility, not just on particular licensing actions, and continuing to use plain language in these engagements. NRC staff suggested certain activities as best practices including leveraging translation services during meetings and for written materials, reaching out to local officials to better coordinate oversight and outreach activities, and using available tools to identify EJ communities.

Internal and external stakeholders communicated the risk of creating unrealistic expectations from additional outreach and in person meetings, and breaking trust when those expectations are not met. For example, if NRC processes, procedures, and statutory roles are not communicated clearly, there could be a misperception related to the NRC's authorities. When the NRC ultimately does not take actions consistent with those perceptions, that would create additional trust issues.

Finally, separate from the access issues noted above, a number of commenters expressed frustration about difficulties navigating the NRC's Agencywide Documents Access and Management System (ADAMS) and how long Freedom of Information Act requests take to process. Because these more general ADAMS and Freedom of Information Act issues were not specific to EJ, they were considered to be beyond the direction in the SRM and were not addressed as part of this EJ review.

### Recommendation

The staff conducted a broad assessment of potential outreach enhancements that included less-formal mechanisms of engagement than those considered in review of formal mechanisms discussed in Enclosure 5. Based on its review, the staff is recommending that the NRC take a more comprehensive approach to outreach in an effort to enhance the way the agency communicates and engages with EJ communities and Tribal nations. While various activities that would fall within this approach are within staff's existing authority, the staff is formulating this as a Commission recommendation because it would create a fundamental shift in the NRC's outreach focus from the current, more piecemeal approach focused on specific time-limited activities, to a more comprehensive and robust outreach effort. This new, comprehensive approach to enhancing communication and engagement would help ensure that the agency's efforts improve outreach and relationship building with EJ communities and Tribal nations.

As explained in the paper, implementation of commitments and approved recommendations could be accomplished through an internal mechanism, such as a dedicated EJ group. Specifically, such a mechanism could result in increased consistency, reliability, and efficiency in how EJ is addressed in agency programs, policies, and activities. Such a mechanism could be particularly important for effective implementation of this comprehensive enhanced outreach recommendation, if approved by the Commission.

The focus of this enhanced outreach should be on identifying EJ communities and Tribal nations earlier in the process, identifying the needs of these communities (e.g., native language, broadband access, community leaders), and initiating early communication, such as offering further outreach or government-to-government consultation with federally recognized tribes, as appropriate. After initial outreach to EJ communities and Tribal nations the agency should build and maintain relationships with respected community and Tribal leaders to help ensure more effective communication and engagement throughout the life-cycle of a licensed activity or facility.<sup>2</sup>

This recommendation would support the general goals of the EOs that address EJ related to engagement and prioritizing EJ, as well as the agency's strategic goal to inspire stakeholder confidence in the NRC. Further, tailoring engagement to more effectively meet community

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<sup>2</sup> Internationally, there is also a focus on engaging throughout the life of a project. For example, in January 2022, the International Atomic Energy Agency released its first guide-level publication on stakeholder engagement in nuclear projects to support "efforts to engage with stakeholders throughout the life cycle of all nuclear facilities." See *IAEA Releases First Guide Level Publication on Stakeholder Engagement in Nuclear Programmes*, <https://www.iaea.org/newscenter/news/iaea-releases-first-guide-level-publication-on-stakeholder-engagement-in-nuclear-programmes> (last visited Jan. 7, 2022).

needs would be generally in line with efforts to improve customer experience and meet the needs of the people outlined in EO 14058, “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,”<sup>3</sup> and engage members of underserved communities in EO 13985, “Advancing Equity and Support for Underserved Communities through the Federal Government.”<sup>4</sup> In addition, Priority Question 8 included in the NRC’s draft Evidence-Building Plan ([ML21165A244](#)) is intended to evaluate how the NRC can improve external engagement to inspire stakeholder confidence and will take EJ communities and Tribal nations into consideration.<sup>5</sup> The results of this formal evaluation can help inform future enhancements to EJ related outreach.

This comprehensive approach would involve the following activities:

- Early and continued engagement with EJ communities and Tribal nations throughout all steps of the licensing and regulatory processes will allow the agency to better understand the unique attributes of EJ communities and Tribal nations potentially impacted by NRC licensed facilities. This will also help to ensure EJ communities understand NRC’s processes, including plain language information regarding NRC’s adjudicatory and rulemaking regulations and procedures (see Enclosure 6). Initiating outreach at the earliest part of the pre-application process would allow the staff to tailor more consistent and enduring outreach strategies and build relationships with EJ community leaders and Tribal nations. To do this, staff would:
  - Create new EJ positions to support EJ-related outreach; for example, develop new procedures and guidance, identify EJ communities and EJ issues around licensed facilities, and develop strategies to engage on particular EJ matters. These new positions would, at a minimum, coordinate closely with existing agency Tribal liaisons, regional state liaison officers, and project managers. Initial start-up costs for this effort would be approximately four dedicated staff (could be a combination of rotations, details, and full-time equivalents). After one year, resource needs would be reassessed.
  - Enhance existing safety, and environmental project manager outreach activities; for example, build and maintain relationships with EJ communities/community leaders and Tribal nations. This outreach would not be limited to or focused on individual licensing actions, and instead would extend throughout the lifecycle of a facility. Additional outreach efforts for individual project managers for sites with EJ communities and EJ issues would be approximately 1–2 weeks. Contractor support and travel dollars may vary widely (e.g., based on use of the Limited English Proficiency program, and travel costs). Additional or enhanced meetings could have schedule implications for licensing activities.
- Enhance guidance and training for NRC staff related to engagement on EJ matters:

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<sup>3</sup> Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government, Exec. Order No. 14058, 86 Fed. Reg. 71,357 (Dec. 16, 2021). While this EO was not directed at independent agencies, Section 9 strongly encourages independent agencies “to comply with the provisions of this order.”

<sup>4</sup> Advancing Equity and Support for Underserved Communities through the Federal Government, Exec. Order No. 13985, 86 Fed. Reg. 7009, 7011 (Jan. 20, 2021).

<sup>5</sup> The final Evidence-Building Plan will be published in April 2022, available at <https://www.nrc.gov/about-nrc/plans-performance/evidence-building-and-evaluation/learning-agenda.html> (last visited March 16, 2022).

- In the near term, compile best practices related to identifying and engaging EJ communities and Tribal nations (in all licensing and regulatory activities, including rulemaking), and ensure that NRC staff receive adequate training to effectively conduct the enhanced outreach described above. Sources of best practices could include Tribal liaisons and regional state liaison officers.
- Longer term, update NRC guidance (e.g., NUREG-1748, NUREG-1555, and LIC-203) to make EJ information and public and Tribal outreach and engagement best practices consistent for all NRC offices.
- Improve public accessibility to EJ guidance and procedures, which could be accomplished by, among other things, establishing an EJ web page that has links to the agency's EJ guidance, procedures, and activities to better inform internal and external stakeholders.

See Enclosure 13 for additional information regarding resources to implement these outreach enhancements.