

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary

FROM: Chair Hanson

SUBJECT: SECY-22-0025: SYSTEMATIC REVIEW OF HOW
AGENCY PROGRAMS, POLICIES, AND ACTIVITIES
ADDRESS ENVIRONMENTAL JUSTICE

Approved X Disapproved Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STARS

Yes ✓
No

Signature
Christopher T. Hanson

Date 03/30/2023

Chair Hanson's Vote on SECY-22-0025, "Systematic Review of How Agency Programs, Policies, and Activities Address Environmental Justice"

For many years, the environmental justice movement has brought to light disparities in the treatment of individuals based on race, color, national origin, and income regarding the implementation and enforcement of environmental laws and policies. The NRC is a safety and security regulator, and our purview is technical by nature, but that fact should not be a barrier to understanding or participation by the public we serve. Therefore, it is incumbent on us to evaluate our processes and procedures to improve communication and education within the bounds of our current authorities.

Former NRC Chair Ivan Selin recognized the importance of incorporating environmental justice considerations into agency functions when he pledged to carry out the measures in Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," leading to the Commission's approval of an agency-wide Environmental Justice Strategy in 1995. In 2004, the Commission further emphasized the need for an agency-wide standard in the development of the "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Matters." While these past efforts have served as an important touchstone for environmental justice initiatives at the agency, now is an opportune time to revisit this issue.

Several new EOs addressing climate change and clean energy have re-energized the federal government's efforts to think critically about environmental justice matters. For example, the Federal Energy Regulatory Commission issued a two-year "Equity Action Plan" seeking to review its policies to better promote equity and remove barriers to environmental justice communities. The Environmental Protection Agency is forming an Office of Environmental Justice and External Civil Rights to address environmental justice by providing new grants and technical assistance to underserved communities.

At the NRC, the Commission asked the staff to evaluate how to better incorporate environmental justice considerations in agency policies, programs, and activities and consider updating our decades-old environmental justice policy. The staff's efforts to engage the public and seek input from multiple stakeholders have been enlightening. Environmental justice by nature is an issue that reaches beyond government agencies and public service institutions into society as a whole. I am heartened to see recognition of this, not only through grassroots initiatives fostered by underserved communities, but also in academic circles, non-governmental organizations, and industry associations. We are already getting helpful feedback about the future of environmental justice in agency processes from many different viewpoints. The staff's recommendations were informed by these various perspectives as well as the challenges they themselves faced when reaching out to communities that struggle with barriers to participation. I am impressed by the staff's work in this area, and I am looking forward to seeing the improvements to public engagement that will result from carrying these recommendations forward.

To that end, I approve all the staff's recommendations as outlined in SECY-22-0025, "Systematic Review of How Agency Programs, Policies, and Activities Address Environmental Justice" with one exception. While I approve revising the Environmental Justice Strategy and reinstating the Environmental Justice coordinator as outlined in Recommendation 2, I don't think the creation of a senior management oversight committee is necessary to accomplish the staff's proposed efforts. I therefore disapprove that portion of the recommendation.

However, I do believe that these efforts need to be centralized within the agency. The staff's recommendations include several initial actions like the establishment of an Environmental Justice Federal Advisory Committee (FAC) to help inform our near-term efforts followed by permanent changes, including the reinstatement of an Environmental Justice coordinator. Currently, there is no obvious home office for all the initiatives. To best organize the staff's efforts, the NRC should create a new Office of Tribal Relations, Environmental Justice, and Public Engagement. The new Office would consolidate the following core functions: (1) tribal relations, (2) environmental justice, and (3) public engagement.

Tribal Relations — The Office should emphasize the importance of engagement with Tribal governments at the NRC. The Office should serve as the primary contact for policy matters between the NRC and Tribal governments, promote effective government-to-government interactions with Indian Tribes, and encourage and facilitate Tribal involvement in the areas over which the Commission has jurisdiction. Therefore, to reflect the level of importance and emphasize the Agency-wide scope, existing Tribal Liaison functions should be relocated from NMSS to the new office. Responsibility for tribal consultation on licensing actions under Section 106 of the National Historic Preservation Act should remain within the Environmental Center of Expertise. The functions of public participation and environmental justice initiatives within the Office should be separate and distinct from Tribal relations initiatives.

Environmental Justice — The Office should ensure consistency, efficiency, and effectiveness of environmental justice considerations in all agency programs, policies, and activities, including proactive outreach and engagement with environmental justice communities impacted by and/or with an interest in NRC activities. Thus, the Office would maintain the Environmental Justice Policy Statement and Strategy, provide Commission briefings, and house the reinstated Environmental Justice coordinator, and Environmental Justice FAC. Responsibility for consideration of environmental justice within National Environmental Policy Act reviews should remain within the Environmental Center of Expertise.

Public Engagement — The Office should serve as a liaison to members of the public affected by and interested in NRC activities by providing information on projects and activities to increase public understanding of and engagement in agency processes. The Office should also:

- serve as the primary contact for policy and guidance regarding public engagement (e.g., Management Directives) and coordinate with relevant NRC offices to develop templates and other tools to support public participation in NRC activities, as appropriate;
- serve as a liaison to Commission program offices with the goal of ensuring processes are inclusive, fair, and easy to navigate;
- coordinate with NRC program offices, including the Centers of Expertise and regional state liaison officers, to enhance two-way communication between NRC and the public to help improve public engagement on licensing and regulatory activities; and
- provide direct outreach and education to assist the public in understanding and navigating the NRC's adjudicatory process and opportunities for engagement. For example, the office should answer questions on when and how to intervene, submit public comments, or participate in public meetings, but should not assist in the actual drafting of pleadings and other submissions.

Staffing of the Office should initially be limited to no more than 10 full time equivalents (FTE) through fiscal year (FY) 2026. Staffing adjustments from FY 2027 and beyond should be requested using the annual agency budgeting process. The staffing should consolidate existing FTE and contractor support for Tribal Liaisons and associated functions, and include an SES-level Office Director, the Environmental Justice coordinator, and any other appropriate staffing needs identified by the Office Director (e.g., legal counsel, subject matter experts, and administrative support). The new Environmental Justice FAC should report to the Office Director and the FAC's resources should be included within the budgeting of this Office.

The new Office should be established by October 2024. During the first year of operation, the Office Director should observe the needs of the office and make necessary adjustments and/or request additional guidance or resources. As the organization gains experience and receives further feedback, it should continue to adjust its mission, functions, and structure to ensure that it is meeting the public's needs and fulfilling the direction of the Commission. The new Office will report directly to the Commission. Concurrently, with the establishment of the new Office, staff should work on the recommendations and commitments outlined in SECY-22-0025.

I'm looking forward to implementation of the staff's thoughtful recommendations and the creation of the new Office to oversee environmental justice considerations, tribal relations, and public engagement as we continue to fulfill our mission to protect public health and safety and the environment.