



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 26, 2021

Federally Recognized Indian Tribes

INVITATION TO CONSULT AND PARTICIPATE IN THE NUCLEAR REGULATORY COMMISSION'S SYSTEMATIC REVIEW OF THE AGENCY'S ENVIRONMENTAL JUSTICE POLICY, PROGRAMS, AND ACTIVITIES (STC-21-060)

Purpose: In a previous [letter](#) on July 9, 2021, the U.S. Nuclear Regulatory Commission (NRC) provided notification that the NRC staff is conducting a systematic review of how the NRC's programs, policies, and activities address environmental justice. The purpose of this letter is offer a consultation opportunity for Tribal leadership (Agencywide Documents Access Management System [ADAMS] Accession No. [ML21189A002](#)). The NRC staff will use your input to develop a paper on its assessment of the agency's environmental justice activities for the NRC's Commissioners. That paper is due to the Commission in February 2022.

Background: On April 23, 2021, the NRC Commission issued a Staff Requirements Memorandum directing the staff to systematically review how the agency's programs, policies, and activities address environmental justice (ADAMS Accession No. [ML21113A070](#)). As part of this review, the Commission directed the NRC staff to evaluate recent Executive Orders and assess how the agency addresses environmental justice, given the agency's mission. As set forth in the Commission's 2004 "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions" (August 24, 2004, 69 FR 52040)(NRC Environmental Justice Policy Statement), the NRC currently addresses environmental justice in its reviews under the National Environmental Policy Act (NEPA) for regulatory and licensing actions. As directed by the Commission, the NRC staff will consider the practices of other Federal, State, and Tribal agencies and evaluate whether the NRC should incorporate environmental justice beyond implementation through its NEPA reviews. The NRC staff will also review the adequacy of the NRC Environmental Justice Policy Statement. The Commission further directed the NRC staff to consider whether establishing formal mechanisms to gather external stakeholder input would benefit any future environmental justice efforts.

Discussion: The NRC staff is offering consultation on the NRC's environmental justice reviews under the NRC's Tribal Policy Statement (82 FR 2402 (Jan 9, 2017)). Accordingly, the NRC staff invites Tribal leaders who are interested in this voluntary consultation with the NRC on the NRC staff's environmental justice reviews to contact Mr. Allen Fetter, (contact information below) by September 17, 2021, to schedule a virtual meeting.

The NRC staff is also soliciting feedback from Tribal government representatives in other ways. ¹Tribal government may submit comments as described in the enclosed *Federal Register* notice, through e-mail, voicemail, mail, or [regulations.gov](https://www.regulations.gov). Comments should be received by October 29, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

The NRC staff is particularly interested in obtaining views from Tribal nations on the following questions:

1. What is your understanding of what is meant by environmental justice at the NRC?
2. When the NRC conducts licensing and other regulatory reviews, the agency uses a variety of ways to gather information from tribal governments and tribal members on environmental impacts of the proposed agency action. These methods include in-person and virtual meetings, *Federal Register* notices requesting input, and dialog with community organizations.
 - a. How could the NRC enhance how it engages and gathers input from Tribal governments and tribal members?
 - b. Are there formal tools that might enhance communication with Tribal governments and tribal members interested in NRC's programs, policies, and activities?
 - c. Can you describe any challenges that may affect your Tribal governments' or Tribal members' ability to engage with the NRC on environmental justice issues?
3. How could the NRC enhance identification of environmental justice concerns of tribal nations?
4. What has the NRC historically done well, or is currently doing well, that the agency could continue or expand with respect to environmental justice in the agency's programs, policies, and activities, including engagement efforts?
5. What actions could the NRC take to enhance consideration of Tribal concerns related to environmental justice in the NRC's programs, policies and activities and agency decision-making, considering the agency's mission and statutory authority?
6. Would you recommend that the agency consider any particular organization's environmental justice program(s) that is particularly effective in engaging Tribal nations?
7. Looking to other Federal, State, and Tribal agencies' environmental justice programs, what actions could the NRC take to enhance the agency's environmental justice program?

The NRC welcomes your participation in its systematic review of how the NRC's programs, policies, and activities address environmental justice to ensure that unique Tribal perspectives are considered, as the NRC staff evaluates the agency's current Environmental Justice Policy and practice. The results of the NRC staff's review and any recommendations will be provided

¹ This information request has been approved by OMB 3150-0245 expiration September 30, 2023. The estimated burden per response to comply with this voluntary collection is approximately 2 hours. Send comments regarding the burden estimate to the FOIA, Library, and Information Collections Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to infocollects.resource@nrc.gov, and to OMB Office of Information and Regulatory Affairs (3150-0245), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street, NW Washington, DC 20503; e-mail: oir_submission@omb.eop.gov. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

to the NRC's Commission for appropriate action. If you have questions regarding this correspondence, please contact the individual listed below:

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Gregory F. Suber

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Date: 2021.08.26 15:50:53 -04'00'

Gregory F. Suber, Director
Environment Justice Review Team

Enclosures:
Federal Register notice
NRC Environmental Justice Policy Statement