

## Charter for the Environmental Justice Review Team

### Purpose

The purpose of this Charter is to establish roles, responsibilities, and objectives for responding to [Staff Requirements Memorandum \(SRM\) M210218B](#), dated April 23, 2021 (ADAMS Accession No. ML21113A070). Specifically, the Commission directed the staff to “systematically review how the agency’s programs, policies, and activities address environmental justice.” The staff was directed to provide the results of its review to the Commission, via Information Paper or Notation Vote Paper, within 9 months of the issuance of the SRM.

### Objectives

The Environmental Justice Review Team (Review Team) will perform a systematic review of how the agency’s programs, policies, and activities address environmental justice, and provide the results of its review to the Commission by January 24, 2022. The objective of the assessment is to determine whether the agency appropriately considers environmental justice in its programs, policies, and activities, and if not, identify recommendations for consideration. If the staff recommends policy or other changes in a Notation Vote Paper, the staff will identify any gaps with the current approach and provide a legal and factual rationale for any changes.

### Scope of Activities

The Review Team will “systematically review how the agency’s programs, policies, and activities address environmental justice.” The staff will explain the current agency policy, precedent, and procedures and the basis for those documents, including prior legal and Commission decisions underpinning the conclusions, as applicable. To do this, the Review Team will:

- 1) Evaluate recent Executive Orders and assess whether environmental justice is appropriately considered and addressed in the agency’s programs, policies, and activities, such as adjudicatory procedures and environmental reviews, given the agency’s mission.
  - a. The Review Team will evaluate the general goals of these Executive Orders in conducting its assessment.
  - b. To assess whether environmental justice is appropriately considered, the Review Team will conduct an initial screening of a spectrum of existing agency programs, policies, and activities by, for example, reviewing management directives, Commission policy statements (e.g., Enhancing Participation in NRC Public Meetings, 86 Fed. Reg. 14,964), public outreach processes and activities, environmental review activities, adjudicatory processes, rulemaking activities, and small business program activities. Consistent with the tasking timeline and available resources, the Review Team will select key programs, policies, and activities for further detailed consideration. In developing any recommendations, the Review Team will consider pros and cons using the BeRiskSmart framework and will discuss the legal and factual rationales for any recommendation.
  - c. As appropriate, the Review Team will seek to highlight and leverage existing successes for addressing environmental justice in programs, policies, and activities.
  - d. The Review Team will solicit and consider, as appropriate, views and information from stakeholders representing a broad range of perspectives, including community-based environmental justice organizations, national environmental and nuclear

safety non-governmental organizations, labor unions, licensees, state and local governments, and tribes.

- i. The Review Team will consider soliciting these views through a variety of avenues, e.g., targeted outreach, public meetings, and *Federal Register* notice(s).
- 2) Review the adequacy of the 2004 Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (69 Fed. Reg. 52,040). Evaluate whether the NRC should incorporate environmental justice beyond implementation through the National Environmental Policy Act.
    - a. The Review Team will benchmark practices of other federal, state, and tribal agencies in evaluating the current approach, and evaluate whether the NRC should incorporate environmental justice beyond implementation through the National Environmental Policy Act. In doing so, the Review Team will consider the legal and factual rationale for its determination.
    - b. The Review Team will consider identifying selected federal, state, and tribal agencies from whom to solicit views, and solicit and consider other stakeholder views and information, as appropriate.
  - 3) Evaluate whether establishing formal mechanisms to gather external stakeholder input would benefit any future environmental justice efforts.
    - a. The Review Team will consider practices of other federal, state, and tribal agencies, as well as available stakeholder feedback, as appropriate, to assess any benefits of establishing formal mechanisms.
    - b. The Review Team will review agency activities that are consistent with Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities through the Federal Government,” to assess whether access to Environmental Justice programs at the NRC are consistent with the goals of this Executive Order.
  - 4) The Review Team will leverage the agency’s institutional knowledge and use transformation initiatives (e.g., Idea Scale), where practicable, to inform the review.

**Membership**

Environmental Justice Review Team Members

Gregory Suber	Director
Jessica Bielecki	Deputy Director
NMSS	Member(s) and Project Manager
OGC	Member(s)
NRR	Member(s) and Project Manager
SBCR	Member(s)
OPA	Member
OEDO	Member
Additional members on as needed basis	

## Environmental Justice Review Team Steering Committee Members

Margie Doane	OEDO
Marian Zobler	OGC
Vonna Ordaz	SBCR
Rob Lewis	NMSS
Andrea Kock	NRR
Cathy Haney	OEDO

## **Roles and Responsibilities**

### Review Team

Review Team members' level of effort will vary from discrete tasks to full-time depending on the issue at hand and individual assignment(s) and area(s) of expertise. Review Team member roles and responsibilities may include, but are not limited to, outreaching to internal and external stakeholders; reviewing documents; collecting internal and external information; analyzing information and stakeholder feedback; developing recommendations; drafting a Commission paper; supporting briefings; and responding to internal and external inquiries.

Review Team members should plan to attend and be prepared to participate in Review Team meetings, as applicable, provide timely input, provide correct technical information or legal advice, inform the Director and Deputy Director of conflicts in assignments (if not supporting the project full-time), and facilitate the concurrence process by keeping their Office informed of significant issues.

### Environmental Justice Steering Committee

In order to ensure alignment on technical, policy and legal issues, priorities, and the efficient use of resources, the function of the Steering Committee will be to:

- Monitor progress;
- Oversee execution of the assessment, including stakeholder outreach, and development of the Commission paper;
- Resolve issues that arise during the assessment and development of the Commission paper;
- Facilitate concurrence on the Commission paper; and
- Ensure that the Commission paper meets the Commission's expectations with respect to content, quality, and timeliness.

## **Procedures**

The Review Team will consist of a mix of full-time and part-time participants. The core group of staff will meet periodically throughout the week. Expanded Review Team meetings that involve all participants will generally be conducted on a weekly basis with additional meetings scheduled, as needed. The Review Team will update the Steering Committee at least monthly.

Throughout the process, the Review Team will align with the Steering Committee, as needed. The Review Team will also develop and follow the OEDO Evaluation Plan and Alignment Agreement.

## **Organizational Structure**

The Review Team will be within OEDO and members will serve on a rotational basis.

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Margaret Doane  
Executive Director for Operations  
Steering Committee Member for the Environmental Justice Review Team

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Catherine Haney  
Assistant for Operations, Office of the Executive Director for Operations  
Steering Committee Member for the Environmental Justice Review Team

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Andrea Kock  
Deputy Director for Engineering, Office of Nuclear Reactor Regulation  
Steering Committee Member for the Environmental Justice Review Team

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Robert Lewis  
Deputy Director, Office of Nuclear Material Safety and Safeguards  
Steering Committee Member for the Environmental Justice Review Team

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Vonna Ordaz  
Director, Office of Small Business and Civil Rights  
Steering Committee Member for the Environmental Justice Review Team

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Gregory Suber  
Director, Environmental Justice Review Team

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Marian Zabler  
General Counsel  
Steering Committee Member for the Environmental Justice Review Team