



Summer Units 2 and 3 COL Application Review Environmental Impact Statement Panel 2

Implementation of Updated Memorandum of Understanding with the U.S. Army Corps of Engineers and Environmental Justice Review

October 13, 2011

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NRC000013

Updated Memorandum of Understanding

- **Signed on September 12, 2008**
 - **Establishes a framework for effective, efficient environmental reviews of new reactor applications**
 - **USACE typically a cooperating agency on the EIS**
 - **Goal is for one EIS to support both NRC license decisions and USACE permit decisions**

Differing Review Practices

- **NRC rates impacts as SMALL, MODERATE, and LARGE and determines whether alternative sites are “obviously superior”**
- **USACE evaluates Least Environmentally Damaging Practicable Alternative and public interest review factors**
 - **USACE particularly focused on impacts to water and wetlands**
 - **No “preconstruction” distinction**

VC Summer EIS Development

- **NRC and USACE have different proposed actions**
- **USACE fully engaged in EIS team**
 - **Prepared RAIs**
 - **Participated in EIS writing sessions, public meetings**
 - **Conducted joint consultations with other agencies**
 - **EIS adjusted to meet USACE needs**

Examples of EIS Adjustments

- **More quantitative evaluation of wetland and stream impacts for proposed and alternative sites**
- **Additional detail provided regarding transmission line routing and impacts**
- **Description of USACE permitting process and public interest review factors**

Summary

- **MOU implemented successfully in developing VC Summer EIS**
 - **NRC and USACE staffs developed strong working relationships**
 - **Conserved Federal resources**
- **EIS will support forthcoming USACE permit decision**

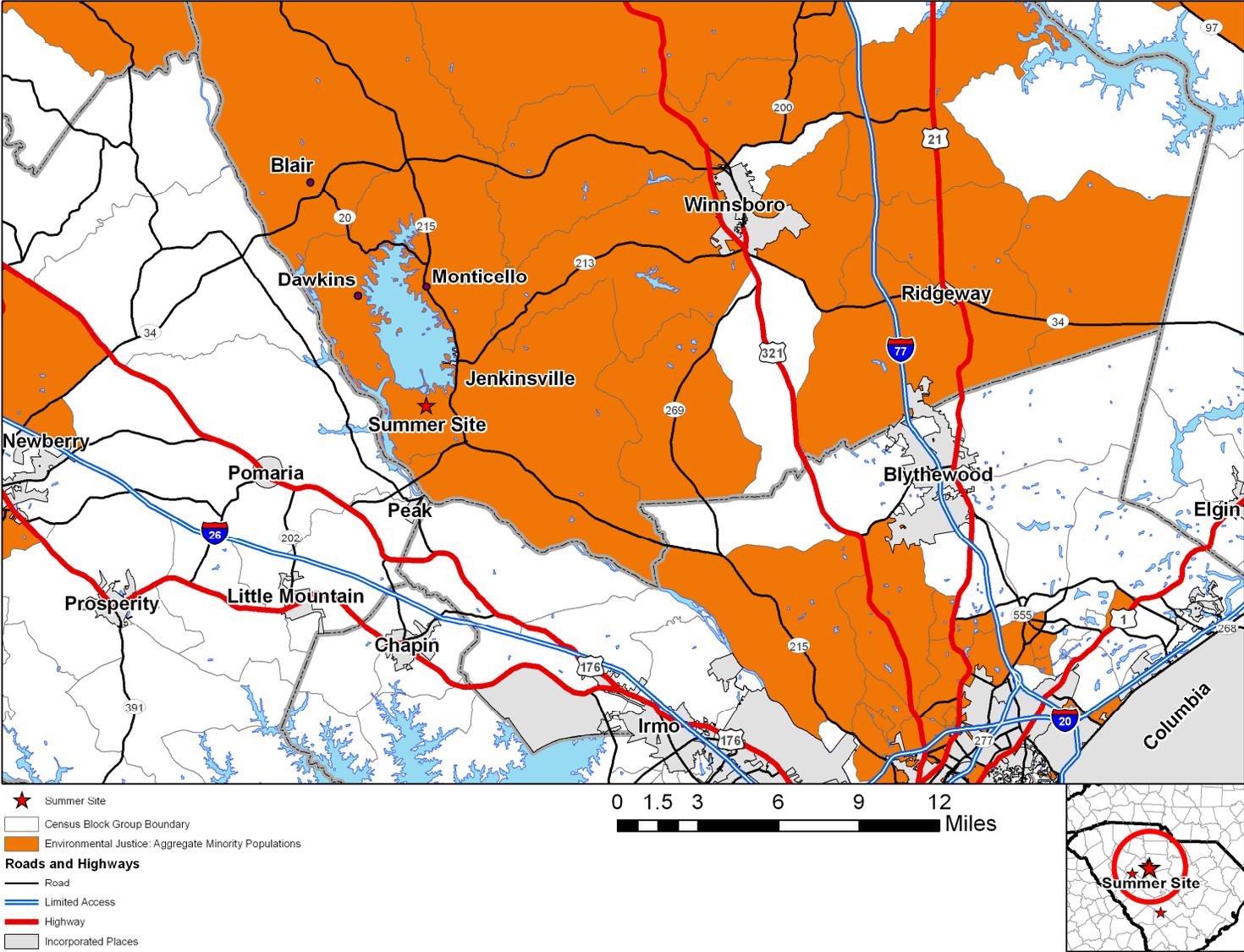
The NRC's Environmental Justice Process

- **Informed by:**
 - **Executive Order 12898**
 - **CEQ's "Environmental Justice Guidance Under National Environmental Policy Act"**
- **Guided by:**
 - **NUREG 1555 (2000 / 2009)**
 - **Staff Memo**
 - **Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions**

Methodology

- **Perform Census search of 50-mile region for Environmental Justice communities**
- **Verify / supplement search findings with community outreach**
- **Identify pathways to Environmental Justice impacts**
- **Assess and report Environmental Justice impacts**

Black or African American Minority Thresholds in Close Proximity



Local Reconnaissance Revealed:

- **90%+ African American residents**
- **Low-income not revealed by Census, and high unemployment**
- **Subsistence fishing**
- **Reliance on backyard gardens**
- **These practices are fading with aging population**
- **Significant foot travel, lack of scheduled transportation**

Subsistence Fishing



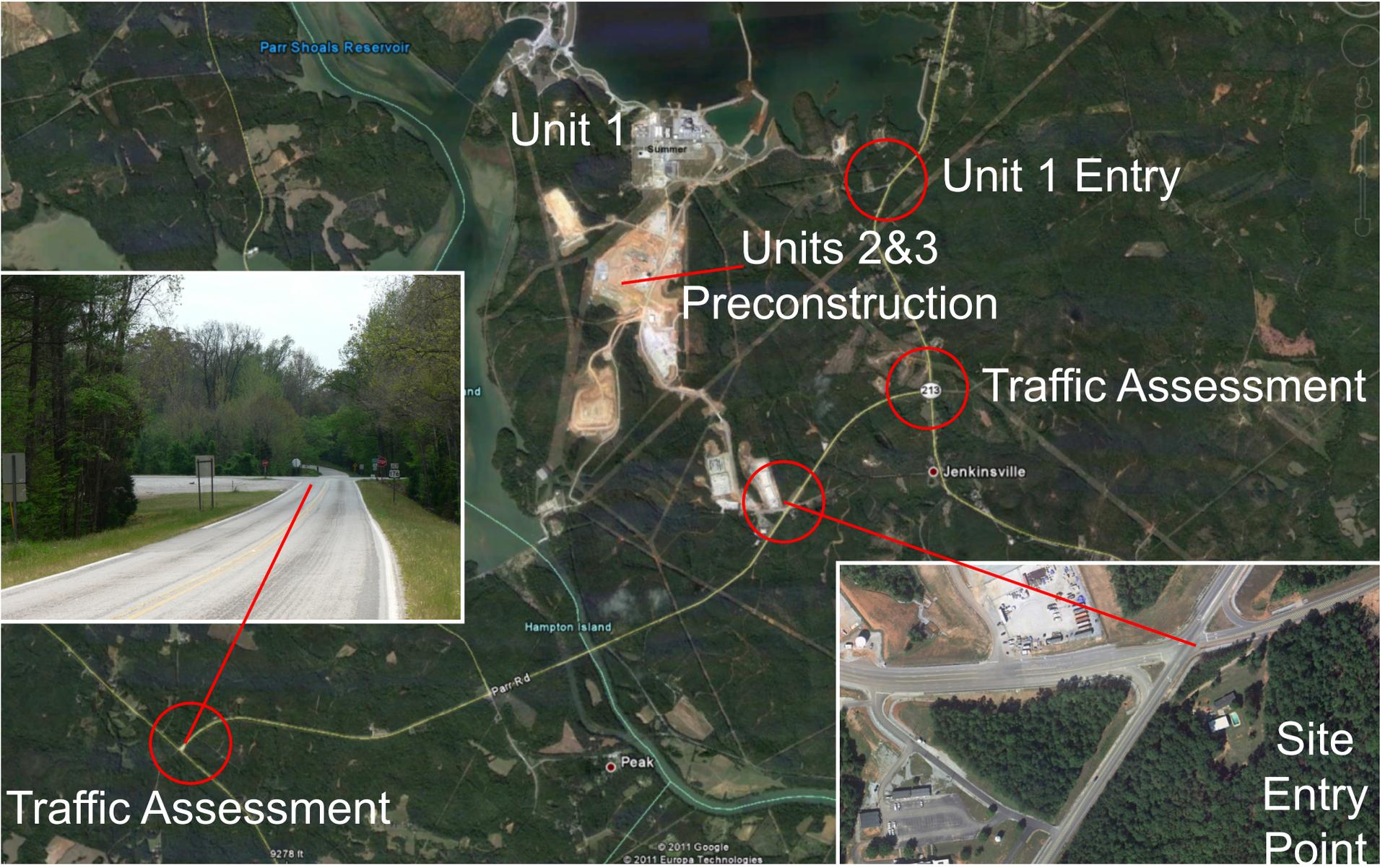
Scoping Customized to Community

- **Staff interviewing of stakeholders**
- **Additional scoping meeting in Jenkinsville**
- **Less formal, open house format used to receive public comments**
- **Local residents conducted a survey and the responses were included on the record as comments**

The Staff's Conclusions: MODERATE Traffic Impacts

- **Staff determined MODERATE traffic impacts would occur at the peak of construction employment**
- **Impacts are “disproportionate and adverse”**
 - **Local community would experience most of the traffic impacts**
 - **Local community is an Environmental Justice population**
- **MODERATE Environmental Justice impact**

MODERATE Traffic Impact



Traffic Mitigative Factors

- **Traffic impacts are temporary (3-4 years during peak construction employment)**
- **Applicant has committed to traffic impact mitigation**
 - **Strategic shift scheduling**
 - **Shuttle busses**
 - **New turn lanes**
 - **Traffic management plan**

Summary

- **Environmental Justice thresholds triggered more in-depth review**
- **Scoping tailored to local community needs**
- **MODERATE traffic impacts found**
- **Disproportionate and adverse impacts to the Environmental Justice population results**
- **Mitigation limits Environmental Justice impacts**