

# **Environmental Justice and the NRC**

## **A Progression to Excellence**

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# **Background**

- **February 1994, President Clinton issued E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”**
- **March 31, 1994, NRC Chairman Ivan Selin, in a letter to President Clinton, indicated that, while the NRC was not required to conform to EO 12898 because of its status as an independent agency, NRC would endeavor to carry out the measures set forth in the E.O. as part of its efforts to comply with the requirements of NEPA.**

# Who Are Our EJ Constituents?

## The Easy Ones:

The Poor



Minority Populations



Subsistence Resource  
Users



Native Americans

# Who Are Our EJ Constituents?

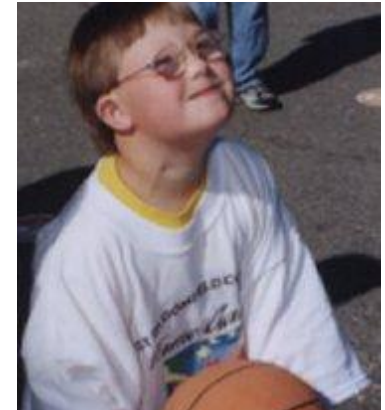
## The Less Obvious Ones:



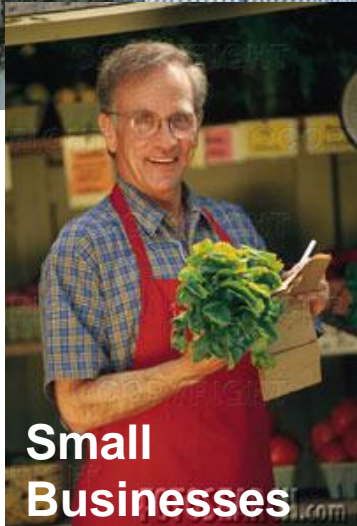
**Minority- and  
Women-Owned  
Businesses**



**People with Different  
Religious Practices**



**People With  
Special Needs**



**Small  
Businesses**



**The Elderly and Those  
on Fixed Incomes**

**Anyone without full  
access to, or protection  
from, the decision making  
process is conceivably an  
environmental justice  
constituent.**



# The LES Story



- LES sought an NRC license for a uranium enrichment facility **between** two African American communities, Center Springs and Forest Grove, Claiborne Parish, Louisiana.
- Citizens Against Nuclear Trash (CANT) sued, claiming LES's ER was deficient because it failed to fully assess the disproportionate socioeconomic impacts on the adjacent African-American communities.
- The ER and EIS indicated construction of the LES would mean closing and relocating Parish Road 39, which bisects the site from North to South.
- The NRC's environmental justice analysis found "no specific evidence that racial considerations were a factor" in the site selection process.

# The LES Site

**Center  
Springs  
Community**

**Center  
Springs CME  
Church**

**Proposed  
LES Site**

**Forest  
Grove  
Community**



# **ASLB's LES Decision**

- **ASLB determined NRC had limited its inquiry to a “facial review of LES’s ER” instead of “a thorough and in-depth investigation.” . . the NRC Staff must “lift some rocks and look under them.”**
- **The staff left the intervenor’s evidence “largely un rebutted or ineffectively rebutted” even though it raised a concern that racial considerations played some part in the site selection process.”**
- **The FEIS did not deal adequately with the impact on those “who must regularly make the trip on foot” [and] ordered the NRC Staff to revise the FEIS to deal with the road closure . . . .”**

# **Commission Decision on LES: CLI-98-3**

**“Disparate impact” analysis is our principal tool for advancing environmental justice under NEPA. The NRC’s goal is to identify and adequately weigh, or mitigate, effects on low-income and minority communities that become apparent only by considering **factors peculiar to those communities.****



# **VC SUMMER NUCLEAR STATION NRC's Best Success Story for Environmental Justice Analysis**

**Applying Lessons Learned  
from the LES Decision**

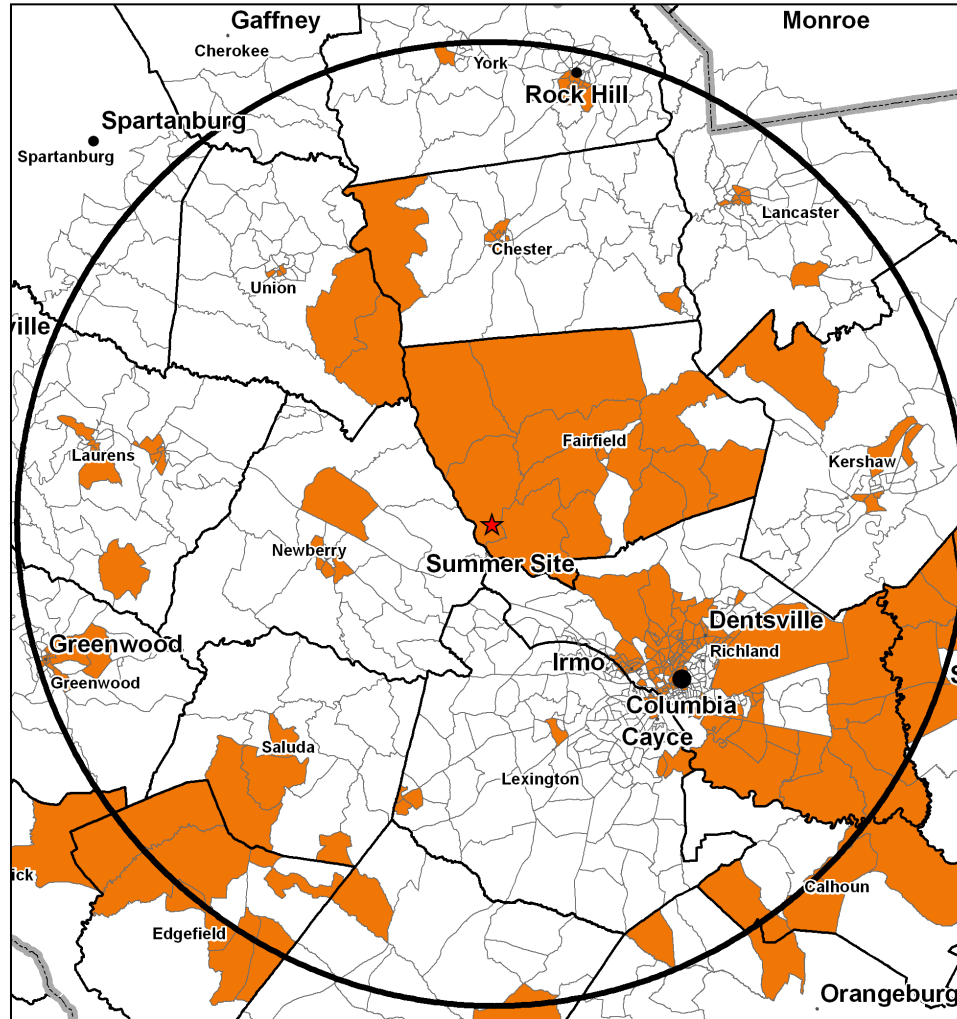
# LES v VC Summer COL

The LES LeSage Site	Jenkinsville, South Carolina
Predominantly African American (over 90 percent)	Predominantly African American (over 90 percent)
“the FEIS did not deal adequately with the impact on those “who must regularly make the trip on foot” of relocating Parish Road 39 (Licensing Board Decision)	With a large percentage of the population below the poverty line and unemployed, many of the local residents along State Route 219 walked as their principal means of transportation
Intervenors claimed the process for selecting the LeSage site and the siting criteria were discriminatory	Scoping meeting comments from local residents indicated the Jenkinsville area had been historically subjected to discrimination

# **The VC Summer Story**

- **South Carolina Electric and Gas (SCE&G) applied for licenses for two nuclear generating units at the VC Summer Nuclear Station in Fairfield County, SC, on the same site as the current VCSNS Unit 1.**
- **Initial scoping efforts revealed a large number of Black and African-American census block groups in the vicinity of the plant, but did not identify any low-income populations of interest nearby.**

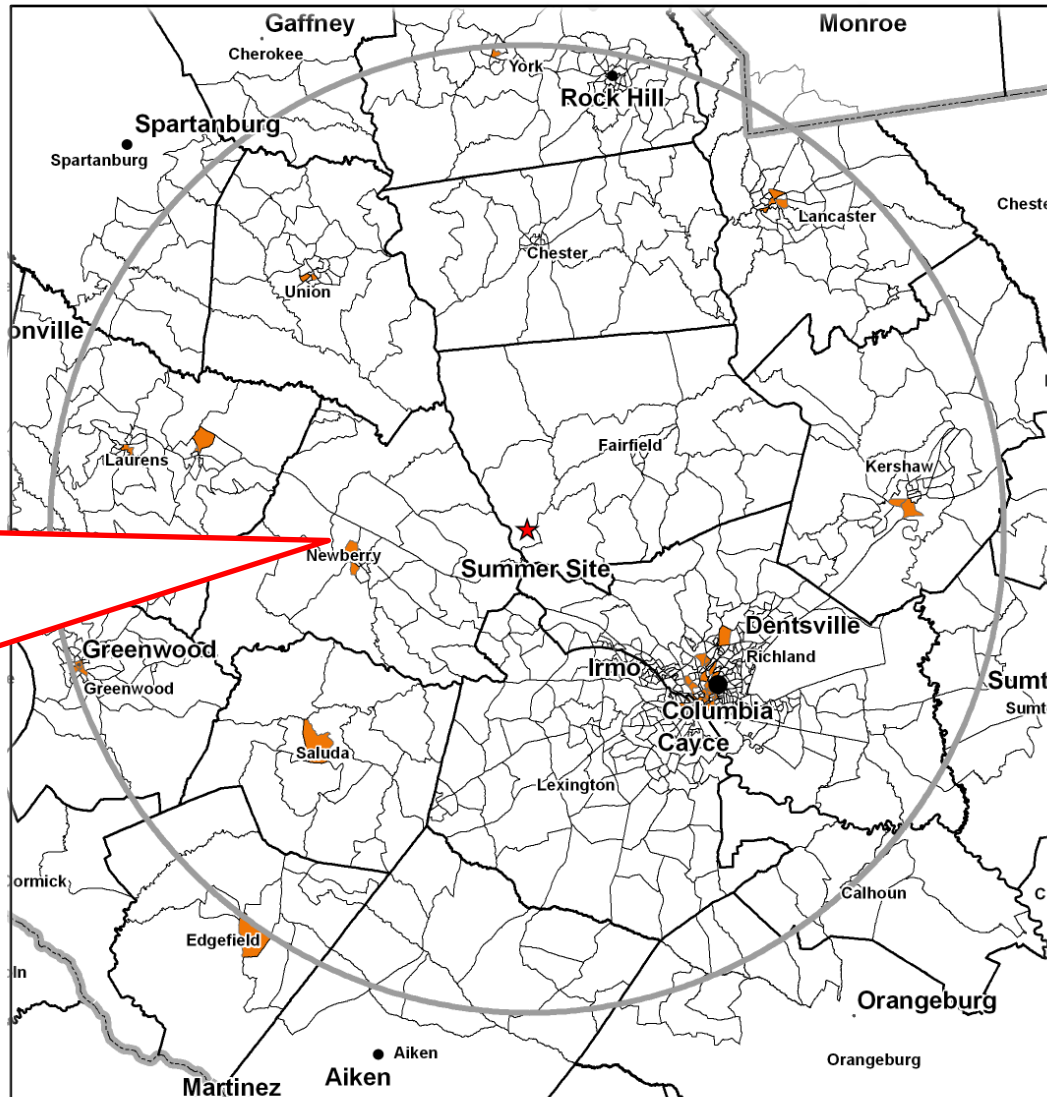
# Black and African American Census Block Group Populations of Interest for 50 Mile Region Around VC Summer Site





# Low-Income Census Block Group Populations of Interest for 50 Mile Region Around VC Summer Site

The closest  
low-income  
population of  
interest to the  
Summer site  
was over ten  
miles away.



# Jenkinsville, South Carolina

State Road 215

Jenkinsville Road

← To VC Summer Nuclear Plant

# **The Process at Work**

**Comments at the scoping meeting revealed that a newly incorporated community (Jenkinsville) had been overlooked in the NRC's Government-to-Government meeting process, and that Jenkinsville was the closest community to the proposed site.**

# **A “Harder Look” Revealed**

- **Most of the Jenkinsville population near the site was below the poverty level and unemployed**
- **People in Jenkinsville were unable to participate effectively in the formal public meeting process despite their serious concerns**
- **The local roads in Jenkinsville (the only route to the site) were narrow, two-lane blacktop, with little or no shoulder. A large proportion of the population walked as their normal means of transportation**



# **Mitigation of EJ Concerns: Matching the Public Hearing Process to Community**

- **Staff held an additional, less formal, open house style scoping meeting to receive public comments in Jenkinsville**
- **Commenters were able to have their comments personally transcribed by staff, rather than having to speak into a microphone or use internet comment forms**
- **Local residents also conducted an informal survey of local residents and the responses were included on the record as comments**

# **Other EJ Mitigation Strategies**

- **SCE&G committed to traffic impact mitigation**
- **Other EJ mitigation actions**
  - **A new local job training center in Dawkins**
  - **Partnership between construction contractors and local community colleges to train workers**
  - **Active recruitment of new industry to Fairfield County**



**Ned Wright discusses emergency preparedness with citizens of Jenkinsville, SC.**





**Kamau Marcharia, Fairfield County Council member (hand extended), discusses local African American issues with Greg Stuber and Alicia Williamson of the NRC in Jenkinsville, SC**