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### **PRESS RELEASE**

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#### **Environmental, Civil Rights and Consumer Advocates Appeal NRC Licensing Board Denial of Public Hearing on Environmental Justice Issues at Grand Gulf Nuclear Power Station Expansion**

**Washington, DC-** Today a coalition of national organizations and their state chapters filed an appeal to the U.S. Nuclear Regulatory Commission (NRC) challenging a decision by a federal Atomic Safety and Licensing Board (ASLB) to deny a public hearing on environmental justice contentions. The August 6, 2004 decision involved an application from the Entergy Corporation's for an "Early Site Permit" to build one or more new nuclear reactors at its Grand Gulf site in Mississippi.

The appeal stated that the licensing board ignored factual evidence that demonstrated a significant dispute on the adequacy of the application on the environmental impacts of a new nuclear reactor on the minority and low-income community living within a ten-mile radius of the Grand Gulf site and also failed to explain its basis for rejecting the environmental justice contentions. Claiborne County is 84% African American with more than 32% living at or below the poverty line.

The appeal was filed by Nuclear Information and Resource Service (NIRS), Public Citizen, National Association for the Advancement of Colored People (NAACP) Chapter of Claiborne County, Miss., and the Mississippi Chapter of the Sierra Club.

"While the agency's stated goal is to encourage 'effective public participation' and 'meaningful community representation,' the NRC's licensing board gives the public short shrift in denying a hearing on the matter of nuclear power and racial discrimination," said Michael Mariotte, Executive Director of Washington, DC-based NIRS. "The ASLB decision violates very basic principles of fairness and environmental justice—it would be more appropriate for apartheid-era South Africa than the United States of America in 2004."

The appeal states: "The ASLB's failure to explain its decision violates basic principles of fairness in administrative proceedings, in three important ways. The lack of an explanation for the ASLB's decision undermines Appellants' ability to mount an effective appeal in this proceeding, by turning the appeal into a 'guessing game.' It also frustrates the Commission's ability to hold the ASLB accountable for rationality and consistency in its administration of the law. Finally, the ASLB's failure to explain its decision undermines the future administration of the Commission's policies for

consideration of environmental justice claims under NEPA [National Environmental Policy Act].”

“The application failed to consider the disproportionate safety and security risk to Claiborne County, due to its lack of economic and material resources to respond to radiological emergencies,” said Wenonah Hauter, director of Public Citizen’s Critical Mass Energy and Environment Program. “Public health and participation should be the first priority of the NRC.”

The appellants’ environmental justice contentions argue that construction of a new reactor would have a disproportionate impact on the community nearby. For example, the 10-mile emergency planning zone for Grand Gulf lies completely within Claiborne County, and a 1985 Mississippi tax law, promulgated shortly after Grand Gulf Unit-1 went online, has left the county with insufficient resources to respond to an accident or attack causing a release of radiation. As a result of this law, Claiborne County, which carries the brunt of the responsibility for emergency planning and preparedness for the nuclear power plant and its proposed expansion, receives only 30% of the property tax revenue from the site – a unique situation among nuclear power plants in the U.S. The utility’s environmental report failed to evaluate the disproportionate and adverse impact of this discriminatory tax policy on emergency planning and preparedness that has resulted in documented deficiencies in the county police, fire, hospitals, and the maintenance of county roads needed for evacuation in the event of an accident or act of sabotage.

Moreover, the environmental report also failed to mention the low-income nature of the local population, and gave misleadingly low numbers for the African-American population, resulting in an inadequate assessment of the disproportionate impact on the local citizens.

For more information on the early site permit for Grand Gulf, please go to [www.citizen.org/cmep/esp](http://www.citizen.org/cmep/esp).