

February 12, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

DOCKETED  
USNRC

February 13, 2004 (3:45PM)

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In the Matter of

Docket No. 52-009

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

System Energy Resources, Inc. (SERI)

(Early Site Permit for Grand Gulf ESP Site)

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**HEARING REQUEST AND PETITION TO INTERVENE BY THE NATIONAL  
ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
CLAIBORNE COUNTY, MISSISSIPPI BRANCH,  
NUCLEAR INFORMATION AND RESOURCE SERVICE, PUBLIC CITIZEN,  
AND MISSISSIPPI CHAPTER OF THE SIERRA CLUB**

Pursuant to 10 C.F.R. § 2.714 and a notice published by the Nuclear Regulatory Commission (“NRC” or “Commission”) at 68 Fed. Reg. 67,489 (December 2, 2003), Petitioners National Association for the Advancement of Colored People Claiborne County, Mississippi Branch (“NAACP”); Nuclear Information and Resource Service (“NIRS”); Public Citizen; and Mississippi Chapter of the Sierra Club (Sierra Club) hereby request a hearing and petitions to intervene in the above-captioned proceeding. As demonstrated below, Petitioners have representational standing, through their members, to make this hearing request.<sup>1</sup>

**Description of Proceeding**

This proceeding concerns an application by System Energy Resources, Inc. (“SERI”) for an Early Site Permit for construction of one or more new nuclear reactors on the site of the Grand Gulf nuclear power plant. SERI filed its application with the

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<sup>1</sup> Petitioners have agreed that if they are admitted to the proceeding as intervenors, NIRS will serve as the lead intervenor.

NRC on October 16, 2003. The NRC published a notice of opportunity to request a hearing at 69 Fed. Reg. 2,636 (January 16, 2004). If granted, the Early Site Permit would permit SERI to bank or reserve the Grand Gulf site as a potential location for one or more new nuclear reactors with a total capacity of no more than 8,600 Megawatts thermal additional for the site.

### **Description of Petitioners**

The National Association for the Advancement of Colored People Claiborne County Mississippi Branch is the local affiliate of the NAACP, a nonprofit voluntary membership organization incorporated under the laws of the State of New York. Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization with a mission to secure and protect equal protection under law, including equal environmental protection. The NAACP has a half-million adult and youth members throughout the United States including members of the Claiborne County Branch who live in Claiborne County, Mississippi.

NIRS is a national non-profit organization with over 6,000 members, many of whom live in the southern part of the United States. NIRS has a mission to promote a non-nuclear energy policy, and a concern for the health and safety of the people and ecosphere that includes Mississippi and the surrounding region.

Public Citizen is a national, nonprofit consumer advocacy organization with 126,537 members nationwide. Public Citizen's mission is to protect openness and democratic accountability in government and the health, safety, and financial interests of consumers. Public Citizen advocates for policies that will lead to safe, affordable and environmentally sustainable energy.

The Mississippi Chapter of the Sierra Club is an affiliate of Sierra Club, a nonprofit voluntary membership organization incorporated under the laws of the State of California. Founded in 1892, Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and protect the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has more than 500,000 members throughout the United States with 1,359 members of the Mississippi Chapter including members who live in Claiborne, Warren and Adams County near the Grand Gulf nuclear power station.

### **Standing**

As required by the NRC's Federal Register notice and 10 C.F.R. § 2.714, a hearing request must:

set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why the petitioner should be permitted to intervene with particular reference to the factors set forth in 10 CFR 2.714(d)(1), and the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene.

In addition, the hearing request must address 1) the nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding, 2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. *Id.*

Other standing requirements are found in NRC case law. As summarized by the Atomic Safety and Licensing Board ("ASLB") in a recent decision, these standing requirements are as follows:

In determining whether a petitioner has sufficient interest to intervene in a proceeding, the Commission has traditionally applied judicial concepts of standing. *See Metropolitan Edison Co.* (Three Mile Island Nuclear station, Unit 1), CLI-83-25, 18 NRC 327, 332 (1983) (citing *Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610 (1976)). Contemporaneous judicial standards for standing require a petitioner to demonstrate that (1) it has suffered or will suffer a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statutes (e.g., the Atomic Energy Act of 1954 (AEA), the National Environmental Policy Act of 1969 (NEPA)); (2) the injury can be fairly traced to the challenged action; and (3) the injury is likely to be redressed by a favorable decision. *See Carolina Power & Light Co.* (Shearon Harris Nuclear Power Plants), LBP-99-25, 50 NRC 25, 29 (1999). An organization that wishes to intervene in a proceeding may do so either in its own right by demonstrating harm to its organizational interests, or in a representational capacity by demonstrating harm to its members. *See Hydro Resources, Inc.* (2929 Coors Road, Suite 101, Albuquerque, NM 87120), LBP-98-9, 47 NRC 261, 271 (1998). To intervene in a representational capacity, an organization must show not only that at least one of its members would fulfill the standing requirements, but also that he or she has authorized the organization to represent his or her interests. *See Private Fuel Storage, L.L.C.* (Independent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 168, *aff'd on other grounds*, CLI-98-13, 48 NRC 26 (1998).

*Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), LBP-02-23, 56 NRC 413, 426 (2002) (hereinafter "*Diablo Canyon*").

Petitioners' standing to participate in this proceeding is demonstrated by the declarations of the following members of Petitioner organizations, who have authorized Petitioners to represent their interests in this proceeding.

A.C. Garner, NAACP member (Attachment 1)  
Jessie Davis, NAACP member (Attachment 2)  
Ellis Neal, NAACP member (Attachment 3)  
J. Gilbert Buck, NAACP member (Attachment 4)  
Martha Ferris, NIRS member (Attachment 5)  
Shelby F. Ferris, NIRS member (Attachment 6)  
Evan Doss, Jr., NIRS member (Attachment 7)  
Kos Kostmayer, Public Citizen member (Attachment 8);  
Patricia Neveleff, Public Citizen member (Attachment 9);  
Hampton Shive, Public Citizen member (Attachment 10);  
Janet Akers, Sierra Club member (Attachment 11)  
Dr. Eugene Ferris, Sierra Club member (Attachment 12)  
Minor Ferris, Sierra Club member, (Attachment 13)

Mary Elizabeth Price, Sierra Club member (Attachment 14)

As demonstrated by the attached declarations, Petitioners' members live near the proposed site, i.e., within 50 miles. Thus, they have presumptive standing by virtue of their proximity to the one or more new nuclear plants that may be constructed on the site. *Diablo Canyon, supra*, 56 NRC at 426-427, citing *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-01-6, 53 NRC 138, 146, *aff'd*, CLI-01-17, 54 NRC 3 (2001) (hereinafter "*Florida Power & Light*").<sup>2</sup>

Petitioners' members seek to protect their lives and health by opposing the issuance of an Early Site Permit to SERI. The issuance of an Early Site Permit to SERI could have an adverse effect on these individuals' interests in protecting their health and safety by paving the way for an unsafe nuclear operation with disproportion environmental impact on the nearby communities. Petitioners seek to ensure that no Early Site Permit is issued by the U.S. Nuclear Regulatory Commission ("NRC" or "Commission") unless SERI demonstrates full compliance with the Atomic Energy Act and the National Environmental Policy Act ("NEPA").

#### **Specific Aspects of the Subject Matter As To Which Petitioners Seek to Intervene**

As required by the Federal Register notice, Petitioners set forth below the specific aspects of the subject matter of this proceeding as to which they wish to intervene:

1. Whether enough information is available regarding reactor designs for the proposed site to permit sound judgments about environmental impacts of the proposed

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<sup>2</sup> In *Diablo Canyon*, the Licensing Board noted that petitioners who live within 50 miles of a proposed nuclear power plant are presumed to have standing in reactor construction permit and operating license cases, because there is an "obvious potential for offsite consequences" within that distance. *Id.* Here, the granting of an Early Site Permit to SERI would facilitate the granting of a construction permit and operating license for one or more new reactors on the Grand Gulf site. Thus, the same standing concepts apply.

construction and operation of new reactors on the site. *See* Final Rule: Early Site Permits; Standard Design Certification; and Combined Licenses for Nuclear Power Reactors, 54 Fed. Reg. 15,372, Section II.2 (April 18, 1989).

2. Whether there is a reasonable basis for information provided by the applicant regarding projected emissions, site impacts, safety factors, and exact operational parameters. *Id.*

3. Whether the applicant's Environmental Report contains a sufficient discussion of the purpose and need for the proposed action; the proposed action's environmental impacts; and the relative costs and benefits of a reasonable range of alternatives for avoiding or mitigating those impacts, including obviously superior alternatives sites.

4. Whether the applicant's Environmental Report contains a sufficient discussion of cumulative impacts, including the combined impacts of the operation of the one or more new proposed reactors and the existing Grand Gulf nuclear reactor.

5. Whether the applicant's Environmental Report contains an adequate site redress plan.

6. Whether, considering the final balance of conflicting factors regarding the environmental impacts of the proposed action, as well as reasonable alternatives, the appropriate action would be to deny the Early Site Permit.

7. Whether issuance of an Early Site Permit would be inimical to the common defense and security or the health and safety of the public.

8. Whether, taking into consideration the site criteria contained in 10 C.F.R. Part 100, a reactor, or reactors, having characteristics that fall within the parameters for

the site, can be constructed and operated without posing undue risk to the health and safety of the public.

9. Whether issuance of an Early Site Permit would have disproportionate adverse environmental impacts on the predominately African American community of Claiborne County, where a significantly large proportion of residents live below the poverty level.

Petitioners' concerns under paragraphs 7, 8 and 9 include, but are not limited to, the adequacy of descriptive information supplied by SERI pursuant to 10 C.F.R. § 52.17, the adequacy of security for the site, the adequacy of emergency planning measures, and whether the application correctly addresses the NRC's siting criteria in 10 C.F.R. Part 100.

### **Conclusion**

For the foregoing reasons, Petitioners have demonstrated their standing to request a hearing on the propose issuance of an Early Site Permit to SERI. Pending submission of at least one admissible contention, Petitioners should be admitted as intervenors.

Respectfully submitted,



Diane Curran  
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.  
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Washington, D.C. 20036  
202/328-3500  
e-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

February 12, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

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**DECLARATION OF A.C. GARNER**

The following statements are true under the penalty of perjury.

1. My name is A.C. Garner. I live at 113 Elm Street, Port Gibson, Claiborne County, Mississippi. I am an African American.
2. I am a member of the National Association for the Advancement of Colored People (NAACP) Claiborne County Branch. The NAACP Claiborne County Branch is a local affiliate of the NAACP, a nonprofit voluntary membership organization incorporated under the laws of the State of New York. Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization with a mission to secure and protect equal protection under law, including equal environmental protection. The NAACP has a half-million adult and youth members throughout the United States including members of the Claiborne County Branch who live in Claiborne County, Mississippi.
3. My home is located within six miles of the Grand Gulf nuclear power station owned by Entergy Corporation in Claiborne County, Mississippi. System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit seeking approval of an area adjacent to the existing Grand Gulf nuclear power station as a site for at least two additional nuclear power stations. The proposed site for the additional nuclear reactor power stations is located close to my home and my community in Claiborne County, Mississippi.
5. Claiborne County is 85% African American, which is significantly higher than the 36% population of African Americans in Mississippi, and 12% population of African Americans in the United States. Approximately 33% of the residents of Claiborne County live below the poverty level, which is significantly higher than the 19% of people living below the poverty level in Mississippi.
6. The existing Grand Gulf nuclear power station has disproportionate adverse health and environmental effects on me and my community. Grossly inadequate fire protection, hospitals, and evacuation capabilities, together with the cumulative environmental hazards from the existing station, pose a grave risk to my health and safety and the health and safety of my community. Additional nuclear reactors would exacerbate this serious risk to my life and health, as well as the lives and health of people in my community.

7. In the event of an accident involving atmospheric release of radiation were to occur, I will be killed or become very ill.

8. Approving a site for additional nuclear reactors would be harmful to me and the people living in my community who own property in Claiborne County that would decline in value.

9. Therefore, I have authorized NAACP Claiborne County Branch to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
\_\_\_\_\_  
(Signature)

DATE: 2-11-84

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY**

In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

**DECLARATION OF JESSIE DAVIS**

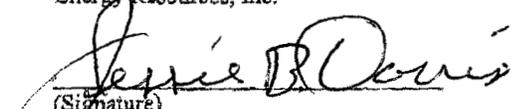
The following statements are true under the penalty of perjury.

1. My name is Jesse Davis. I live at 1039 Holt Drive, Port Gibson, Claiborne County, Mississippi. I am an African American.
2. I am a member of the National Association for the Advancement of Colored People (NAACP) Claiborne County Branch. The NAACP Claiborne County Branch is a local affiliate of the NAACP, a nonprofit voluntary membership organization incorporated under the laws of the State of New York. Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization with a mission to secure and protect equal protection under law, including equal environmental protection. The NAACP has a half-million adult and youth members throughout the United States including members of the Claiborne County Branch who live in Claiborne County, Mississippi.
3. My home is located within seven miles of the Grand Gulf nuclear power station owned by Entergy Corporation in Claiborne County, Mississippi. System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit seeking approval of an area adjacent to the existing Grand Gulf nuclear power station as a site for at least two additional nuclear power stations. The proposed site for the additional nuclear reactor power stations is located close to my home and my community in Claiborne County, Mississippi.
5. Claiborne County is 85% African American, which is significantly higher than the 36% population of African Americans in Mississippi, and 12% population of African Americans in the United States. Approximately 33% of the residents of Claiborne County live below the poverty level, which is significantly higher than the 19% of people living below the poverty level in Mississippi.
6. The existing Grand Gulf nuclear power station has disproportionate adverse health and environmental effects on me and my community. Grossly inadequate fire protection, hospitals, and evacuation capabilities, together with the cumulative environmental hazards from the existing station, pose a grave risk to my health and safety and the health and safety of my community. Additional nuclear reactors would exacerbate this serious risk to my life and health, as well as the lives and health of people in my community.

7. In the event of an accident involving atmospheric release of radiation were to occur, I will be killed or become very ill.

8. Approving a site for additional nuclear reactors would be harmful to me and the people living in my community who own property in Claiborne County that would decline in value.

9. Therefore, I have authorized NAACP Claiborne County Branch to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
(Signature)  
DATE: 2/18/04

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-009

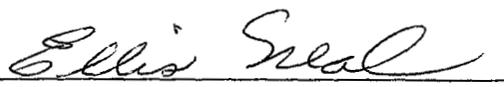
System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

**DECLARATION OF ELLIS NEAL**

The following statements are true under the penalty of perjury.

1. My name is Ellis Neal. I am an African American and a member of National Association for the Advancement of Colored People (NAACP) Claiborne County Branch.
2. The NAACP Claiborne County Branch is a local affiliate of the NAACP, a nonprofit voluntary membership organization incorporated under the laws of the State of New York. Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization with a mission to secure and protect equal protection under law, including equal environmental protection. The NAACP has a half-million adult and youth members throughout the United States including members of the Claiborne County Branch who live in Claiborne County, Mississippi.
2. I live at 611 Vandeventer Street, Port Gibson, Mississippi. My home lies within ten miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I have authorized NAACP to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.



(Signature)

DATE: 2-10-04

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY**

\_\_\_\_\_  
In the Matter of

Docket No. 52-009

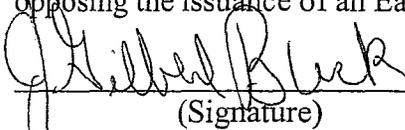
System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

**DECLARATION OF J. GILBERT BUCK**

The following statements are true under the penalty of perjury.

1. My name is J. Gilbert Buck. I am an African American and a member of National Association for the Advancement of Colored People (NAACP) Claiborne County Branch.
2. The NAACP Claiborne County Branch is a local affiliate of the NAACP, a nonprofit voluntary membership organization incorporated under the laws of the State of New York. Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization with a mission to secure and protect equal protection under law, including equal environmental protection. The NAACP has a half-million adult and youth members throughout the United States including members of the Claiborne County Branch who live in Claiborne County, Mississippi.
3. I live at 10084 Highway 547, Pattison, Mississippi. My home lies within ten miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
4. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
5. Therefore, I have authorized NAACP to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
\_\_\_\_\_  
(Signature)

DATE: 02-10-04

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE SECRETARY**

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

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**DECLARATION OF MARTHA FERRIS**

The following statements are true under the penalty of perjury.

1. My name is Martha Ferris. I am a member of Nuclear Information and Resource Service.
2. I live at 9433 Fisher Ferry Road. My home lies within 25 miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Nuclear Information and Resource Service to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
(Signature)

DATE: February 10, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

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**DECLARATION OF SHELBY F. FERRIS**

1. My name is Shelby F. Ferris. I am a member of Nuclear Information and Resource Service.
2. I live at 11186 Fisher Ferry Road, Vicksburg, Mississippi. My home lies within 25 miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Nuclear Information and Resource Service to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

Shelby F. Ferris  
(Signature)

DATE: Jan. 27, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

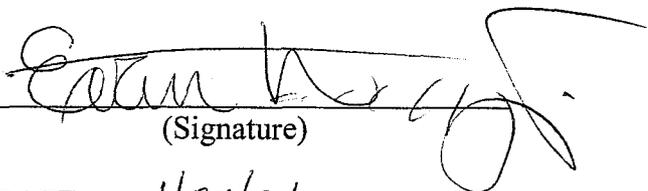
System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

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**DECLARATION OF EVAN DOSS, Jr.**

1. My name is Evan Doss, Jr. I am a member of Nuclear Information and Resource Service.
2. I live at 1089 Northside Drive, Port Gibson, Mississippi. My home lies within five miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Nuclear Information and Resource Service to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
\_\_\_\_\_  
(Signature)

DATE: 1/27/04

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI).

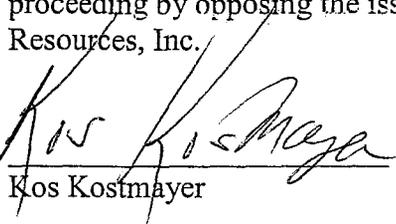
(Early Site Permit for Grand Gulf Site)

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**DECLARATION OF KOS KOSTMAYER**

Under penalty of perjury, Kos Kostmayer declares as follows:

1. My name is Kos Kostmayer. I am a member of Public Citizen.
2. I live at 9433 Fisher Ferry Road, Vicksburg, MS 39180. My home lies within 35 miles of the Grand Gulf Nuclear Station located in Claiborne County, Mississippi, for which System Energy Resources, Inc. (SERI) has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power plant.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of a new nuclear reactor so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Public Citizen to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
Kos Kostmayer

Dated: 1/9/04

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI).

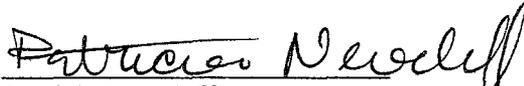
(Early Site Permit for Grand Gulf Site)

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**DECLARATION OF TRITTA NEVELEFF**

Under penalty of perjury, Patricia Neveleff declares as follows:

1. My name is Patricia Neveleff. I am a member of Public Citizen.
2. I live at 209 Stewart Drive. My home lies within 50 miles of the Grand Gulf Nuclear Station located in Claiborne County, Mississippi, for which System Energy Resources, Inc. (SERI) has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power plant.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of a new nuclear reactor so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Public Citizen to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
Patricia Neveleff

Dated: 1-13-4

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI).

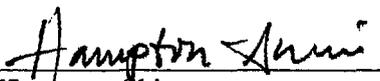
(Early Site Permit for Grand Gulf Site)

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**DECLARATION OF HAMPTON SHIVE**

Under penalty of perjury, Hampton Shive declares as follows:

1. My name is Hampton Shive. I am a member of Public Citizen.
2. I live at 209 Stewart Drive. My home lies within 50 miles of the Grand Gulf Nuclear Station located in Claiborne County, Mississippi, for which System Energy Resources, Inc. (SERI) has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power plant.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of a new nuclear reactor so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Public Citizen to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
Hampton Shive

Dated: 1/15/04

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

DECLARATION OF JANET AKERS

The following statements are true under the penalty of perjury.

1. My name is Janet Akers. I am a member of the Mississippi Chapter of Sierra Club.
2. The Mississippi Chapter of Sierra Club is an affiliate of Sierra Club, a nonprofit voluntary membership organization incorporated under the laws of the State of California. Founded in 1892, Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and protect the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has more than 500,000 members throughout the United State with 1,359 members of the Mississippi Chapter including members who live in Claiborne, Warren and Adams County near the Grand Gulf nuclear power station.
2. I live at 412 Lake Forest Drive, Vicksburg. My home lies within 20 miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident or act of sabotage involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Sierra Club to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.



(Signature)

DATE: February 10, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

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In the Matter  
of  
52-009

Docket No.

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

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DECLARATION OF EUGENE B FERRIS, MD

The following statements are true under the penalty of perjury.

1. My name is Eugene B Ferris. I am a member of the Mississippi Chapter of Sierra Club.
2. The Mississippi Chapter of Sierra Club is an affiliate of Sierra Club, a nonprofit voluntary membership organization incorporated under the laws of the State of California. Founded in 1892, Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and protect the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has more than 500,000 members throughout the United State with 1,359 members of the Mississippi Chapter including members who live in Claiborne, Warren and Adams County near the Grand Gulf nuclear power station.
2. I live at 3069 Dudley Rd, Vicksburg, MS 39180. My home lies within 35 miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi, owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.
3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In

particular, I am concerned that if an accident or act of sabotage involving atmospheric release of radiation were to occur, I could be killed or become very ill.

4. Therefore, I have authorized Sierra Club to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

A handwritten signature in cursive script, reading "Eugene B. Ferris, MD". The signature is written in black ink and is positioned above a horizontal line.

(Signature)

DATE: February 10, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Attachment 13

BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

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DECLARATION OF \_\_\_\_\_

The following statements are true under the penalty of perjury.

1. My name is MINOR FERRIS. I am a member of the Mississippi Chapter of Sierra Club.

2. The Mississippi Chapter of Sierra Club is an affiliate of Sierra Club, a nonprofit voluntary membership organization incorporated under the laws of the State of California. Founded in 1892, Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and protect the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has more than 500,000 members throughout the United State with 1,359 members of the Mississippi Chapter including members who live in Claiborne, Warren and Adams County near the Grand Gulf nuclear power station.

851 Fort Hill Dr., Vicksburg, Ms  
2. I live at \_\_\_\_\_. My home lies within 35-40 miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi, owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early

2/10/04

Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.

3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident or act of sabotage involving atmospheric release of radiation were to occur, I could be killed or become very ill.

4. Therefore, I have authorized Sierra Club to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.



(Signature)

DATE: \_February 10, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

\_\_\_\_\_  
In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

\_\_\_\_\_  
DECLARATION OF MARY ELIZABETH PRICE

The following statements are true under the penalty of perjury.

1. My name is Mary Elizabeth Price. I am a member of the Mississippi Chapter of Sierra Club.

2. The Mississippi Chapter of Sierra Club is an affiliate of Sierra Club, a nonprofit voluntary membership organization incorporated under the laws of the State of California. Founded in 1892, Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and protect the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has more than 500,000 members throughout the United State with 1,359 members of the Mississippi Chapter including members who live in Claiborne, Warren and Adams County near the Grand Gulf nuclear power station.

2. I live at 9995 Highway 27, Utica, Mississippi. My home lies within 40 miles of the Grand Gulf nuclear power station site in Claiborne County, Mississippi, owned by Entergy Corporation. The applicant, System Energy Resources, Inc., a subsidiary of Entergy Corporation, has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for construction of a new nuclear power station at Grand Gulf nuclear power station.

3. Although no design for a new nuclear power station has been submitted, based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more nuclear power stations so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident or act of sabotage involving atmospheric release of radiation were to occur, I could be killed or become very ill.

4. Therefore, I have authorized Sierra Club to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to System Energy Resources, Inc.

  
\_\_\_\_\_  
(Signature)

DATE: February 10, 2004

February 12, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY

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In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI)

(Early Site Permit for Grand Gulf ESP Site)

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**NOTICE OF APPEARANCE BY DIANE CURRAN**

Pursuant to 10 C.F.R. § 2.713, Diane Curran hereby enters an appearance in this proceeding as duly authorized legal counsel for National Association for the Advancement of Colored People Claiborne County, Mississippi Branch (“NAACP”); Nuclear Information and Resource Service (“NIRS”); Public Citizen; and Mississippi Chapter of the Sierra Club (Sierra Club). Undersigned counsel is a member in good standing of the bars of the District of Columbia, the State of Maryland, the U.S. District Court for the District of Columbia, and the U.S. Courts of Appeals for the D.C. and First Circuits.

Respectfully submitted,



Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.

1726 M Street N.W., Suite 600

Washington, D.C. 20036

202/328-3500

FAX 202/328-6918

[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

February 12, 2004

## CERTIFICATE OF SERVICE

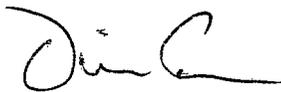
I certify that on February 12, 2004, copies of the foregoing HEARING REQUEST AND PETITION TO INTERVENE BY NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE CLAIBORNE COUNTY, MISSISSIPPI BRANCH, NUCLEAR INFORMATION AND RESOURCE SERVICE, AND PUBLIC CITIZEN AND MISSISSIPPI CHAPTER SIERRA CLUB and NOTICE OF APPEARANCE FOR DIANE CURRAN were served by Federal Express on the following, as indicated below:

Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738

Assistant General Counsel for Reactor Programs  
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Winston & Strawn LLP  
1400 L Street  
Washington, DC 20005-3502



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Diane Curran