

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the matter of

Docket No. 52-039-COL

Bell Bend Nuclear Power Plant

Combined Construction and License Application

**MOTION FOR PERMISSION TO FILE SUPPLEMENTAL
STANDING DECLARATION FOR GENE STILP AND TAXPAYERS
AND RATEPAYERS UNITED (TRU)**

Pursuant to 10 C.F.R. 2.323, Gene Stilp, pro se, individually, and as a Representative for Taxpayers and Ratepayers United Association, hereby requests permission of the Board to file supplemental information on his standing in a Supplemental Standing Declaration.

The reason for this request is that I wish to supplement the information provided in the original Petition for Intervention of May 18, 2009 in this case to show more of the depth of the contacts and the frequency of contact that I have with the communities surrounding the proposed plant site. The Applicant and Staff have expressed their concern in

their respective “Answers” to the “Petition to Intervene” that I did not have enough contacts or frequency.

I wish to alleviate their concerns and show the Board that I have a broad range of contacts, property interest, business interests, organizational interests and family and friends interests and connections in addition to frequently staying in the area and utilizing the entire surrounding transportation grid that shows that I am connected with the area of concern around the proposed plant site all my life. The information in the Supplemental Declaration is in addition to the information already provided in the “Petition to Intervene.”

The attached supplemental information in the form of a supplemental standing declaration clarifies any concerns that the Applicant or NRC Staff had with Mr. Stilp’s standing in this proceeding.

The Supplemental Declaration is attached for your review.

Respectfully submitted

Electronically signed,

Gene Stilp, pro se

c/o 275 Poplar Street

Wilkes-Barre, PA 18702

717-829-5600

June 26, 2009

**Certificate of Gene Stilp, pro se, Individually and as the Representative
for Taxpayers and Ratepayers United**

Pursuant to 10 C.F.R. 2.323, Gene Stilp, pro se, individually, and as a Representative for Taxpayers and Ratepayers United Association certifies that:

On May 18, 2008, I filed a “Petition to Intervene in the Radioactive Bell Bend Nuclear Power Plant Combined Construction and License Application By Gene Stilp and Taxpayers and Ratepayers United (TRU).” Docket N0. 52-039-COL.

On June 12, 2009 Applicant and NRC Staff filed their respective “Answers” which questioned my standing.

On June 22, 2009 Mr. Stilp contacted counsel for Applicant, attorney David Repka, and NRC Staff attorney, Susan Vrahoretis, via telephone and left messages requesting their permission for Mr. Stilp to file supplemental and clarifying information concerning his standing.

Counsel for the Applicant and the NRC Staff returned the calls on June 23, 2009 and basically said that they would take a wait and see position as to the supplemental standing filing.

The attached supplemental information in the form of a supplemental standing declaration clarifies any concerns that the Applicant or NRC Staff should have with Mr. Stilp's standing in this proceeding.

Respectfully submitted,

Signed electronically,

Gene Stilp, pro se
c/o 275 Poplar Street
Wilkes-Barre, Pa 18702
717-829-5600

June 26, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this day, June 26, 2009, that I posted a **“MOTION FOR PERMISSION TO FILE SUPPLEMENTAL STANDING DECLARATION FOR GENE STILP AND TAXPAYERS AND RATEPAYERS UNITED (TRU)”** in the above captioned matter. To the best of my knowledge the following have been served electronically on the NRC Electronic Information Exchange as well as other in 52-039.

David Repka
Winston & Strawn LLP
1700 K Street, N.W.
Wash., D.C. 20006

Susan Vrahoestis
Counsel for NRC Staff
Mail Stop 0-15 D21
Wash., D.C. 20555-001

Signed electronically,

Gene Stilp, pro se
c/o 275 Poplar Street
Wilkes-Barre, Pa 18702
717-829-5600

June 26, 2009

**UNITED STATES OF AMERICA
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Docket No. 52-039-COL

Bell Bend Nuclear Power Plant

Combined Construction and License Application

**SUPPLEMENTAL DECLARATION OF STANDING OF GENE
STILP, PRO SE, INDIVIDUALLY, AND AS THE
REPRESENTATIVE FOR TAXPAYERS AND RATEPAYERS
UNITED (TRU)**

I

I hereby declare under pain of perjury that:

On May 18, 2008 I filed a “Petition to Intervene in the Radioactive Bell Bend Nuclear Power Plant Combined Construction and License Application By Gene Stilp and Taxpayers and Ratepayers United (TRU). ” Docket NO. 52-039-COL.

The section on “Standing” contained the following statement.

“Gene Stilp is a citizen of Pennsylvania. Mr. Stilp owns a house and property at 275 Poplar Street, Wilkes-Barre, Pennsylvania less than twenty miles from the proposed foreign designed radioactive reactor at the Bell Bend Nuclear Power Plant. An accident or terrorist attack at the proposed

radioactive nuclear plant or its proposed high level radioactive nuclear waste dump or its low level radioactive nuclear waste dump areas could result in radioactive releases and environmental contamination that would adversely affect Mr. Stilps's health and safety, and the value of the property, and would interfere with his business interests which takes him within the fifty mile radius of the proposed radioactive nuclear plant. Mr. Stilp's business interests include fighting high utility rate increases like the upcoming PPL 40% rate increase Mr. Stilp's business also includes consulting on government issues that affect taxpayers and going after government and politicians' waste of taxpayer money and that this continually takes him within the fifty mile radius of the proposed radioactive nuclear plant at Bell Bend. Mr. Stilp business concerns also advocate alternative energy sources like solar, wind, conservation, geothermal, energyefficiency and advanced building and transportation practices. This advocacy continually takes him within the fifty mile radius of the proposed radioactive nuclear plant at Bell Bend. Mr. Stilp also has major extended family within the area that can be affected by the reactor's operation that will be affected by a radioactive release. If radioactive contamination occurs, a distinct and palpable harm that constitutes injury in fact within the area of interests protected by the following statutes will be incurred: The Atomic Energy Act of 1954, the National Environmental Policy Act of 1969. The injury can be traced to the challenged action. And the injury is likely to be addressed by a favorable decision, In Matter of Pacific Gas and Electric (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation)LBP-02-23, 56 N.R.C. 413, 426-427 (2002).

Gene Stilp is also the Director of the citizens association Taxpayers and Ratepayers United (TRU) Association in Pennsylvania. Taxpayers and Ratepayers United Association is a Pennsylvania corporation with members in the PPL service territory which comprises twenty-nine counties in eastern Pennsylvania. The Taxpayers and Ratepayers Association is currently fighting the 40% rate increase scheduled for all PPL customers on December 31, 2009. The rate increase is directly related to billions of dollars in cost overruns at the other PPL radioactive nuclear power plants run by PPL at the Susquehanna Electric Station near Berwick, Pennsylvania on the Susquehanna River. The two radioactive nuclear plants came on line in the early 1980's and all the PPL ratepayers in the twenty-nine county service area are still paying for those two nuclear units located near Berwick, Pa. right next to the site of this new radioactive foreign designed and built radioactive nuclear plant. As demonstrated by the attached declaration of

member Adam Helfrich, Mr. Helfrich owns a home and property at 613 Casey Ave. in Wilkes-Barre Township, Pennsylvania within twenty miles of the proposed radioactive Bell Bend Nuclear Power Plant and his interest in health, safety, and property value are affected.

Taxpayers and Ratepayers United (TRU) Association has an ongoing interest in costs associated with taxpayer and ratepayer economics, safety, nuclear power, energy efficiency, radioactive nuclear waste, alternative energy, and the risks posed by radioactive nuclear plants and radioactive nuclear waste dumps in all of Pennsylvania. including the Bell Bend radioactive nuclear plant site. An accident at the radioactive nuclear plant would result in radiological releases, environmental contamination and economic devastation that would adversely affect the health, well being, property, and the ability to conduct business for Adam Helfrich and members of the Taxpayers and Ratepayers United Association within the fifty mile area surrounding the proposed radioactive nuclear units. *Warth v. Seldan*, 422 U.S. 490, 511 (1975) “There is no question that an association may have standing in its own right to seek judicial relief from injury to itself and to vindicate whatever rights and immunities the association may enjoy.”

The Nuclear Regulatory Commission’s regulations recognize that an accidental release has potential effects within a 50 mile radius under 10 C.F.R. section 50.33 (g) “the ingestion pathway ... shall consist of an area 50 miles (80km) in radius.” As recently as March 24, 2009 the Atomic Safety and Licensing Board in Calvert Cliffs 3 Nuclear Project, at ASLBP No. 09-874-02-COL-BDO1 at page 11 to 13 recognizes the 50 mile radius as a recognized radius for including interveners who have an interest within that fifty mile zone. 10 C.F.R. Part 50 has the Appendix 1 Section 1, recognizes that the liquid and gaseous waste system at a nuclear power plant can affect populations at distances up to fifty miles from the plant.”

On June 12, the attorneys for the Applicant and the NRC Staff filed their respective “Answer” and objected to my standing.

I additionally, and supplementally, declare under pain of perjury, that I was born and raised in Wilkes-Barre, PA. I attended Saint Boniface grade school,

Saint Nicholas High School and King's College. All in Wilkes-Barre. I declare that Wilkes-Barre is within the fifty mile radius of the proposed radioactive nuclear plant and all the places mentioned above are within twenty-five miles of the site.

Now speaking in the third person, I declare:.

Mr. Stilp has life long and deep rooted connections to the Wilkes-Barre and Northeast Pennsylvania that have never diminished.

The property that Mr. Stilp owns at 275 Poplar Street in Wilkes-Barre is Mr. Stilp's basic homestead where he was raised . The home is less than twenty miles from the proposed site. Mr. Stilp's parents' home was this home and at this address until failing health made an unfortunately short stay at a more appropriate place necessary. During the time leading up to their final illnesses at advanced age, Mr. Stilp provided in home support for his parents for many years at the above address spending up to half of the week at the home for years. Since their passing Mr. Stilp has been the owner of the home. While it is not his primary residence which is 1550 Fishing Creek Valley Road, Middle Paxton Township, Mr. Stilp stays at the home in Wilkes-Barre frequently and provides upkeep.

Mr. Stilp stays at the home weekly on his business trips and stays there for longer durations when extended repair or maintenance is necessary for the older house. Mr. Stilp also cares for the grounds which requires visitation regularly in the winter for upkeep for snow and ice removal, and in the summer for grass cutting and plant and tree trimming. Security is also a year round issue which requires frequent visits. Mr. Stilp had to do an emergency roof check as recently as June 23, 2009 after a heavy storm. The frequency is approximately weekly for visits to Wilkes-Barre.

Mr. Stilp also has many business interests. The house at 275 Poplar Street, Wilkes-Barre also served as storage for part of Mr. Stilp's extensive prop and sign business. Mr. Stilp rents out large inflatable props and signs for political, environmental, consumer, music and festive events anywhere in the country and anywhere in the Wilkes-Barre and Northeast Pennsylvania area well within the fifty mile radius of the proposed plant. Mr. Stilp has made and stored some type of props there for over thirty years. Mr. Stilp's props have appeared at the Luzerne County Courthouse in August of 2008 and in the local papers and on local television. This courthouse is the courthouse for the county where the proposed plant is located.

Mr. Stilp visited and utilized appropriate props from the above location when he went to Bloomsburg and Berwick on January 29, 2009 and appeared in the January 30, 2009 edition of the Press Enterprise, the paper that serves the proposed plant location. in Berwick featuring Mr. Stilp's picture and his prop. Mr. Stilp attends frequent social events in the Wilkes-Barre area on a monthly basis involving extended family and friends.

However, Mr. Stilp had to decline the latest wedding invitation from relative in Kingston Township for last weekend within twenty miles of the plant due to a conflict of interest with another event within the fifty mile radius. Mr. Stilp frequents the local taverns with friends from the area and has extensive social contacts which means that he frequents the areas from Lewisburg, Pennsylvania and all along Route 11, past the propose plant site, including Danville, Bloomsburg, Berwick, and Kingston.

Mr. Stilp is also a political consultant for hire and meets frequently with those seeking office throughout the fifty mile radius. Mr. Stilp travels to their locations often for meetings sometimes weekly sometimes monthly depending on the time of year.

Mr. Stilp meets with reporters from television and newspapers in the affected area. Just as recent as June 23, 2009 Mr. Stilp attended a meeting

with the editorial board of Wilkes-Barre's Times Leader newspaper at their offices at 11 North Main Street which is only twenty two miles from the proposed plant. Mr. Stilp is well known in the media in Wilkes-Barre/Scranton market. Political confrontation involving Mr. Stilp and political figures on issues of local and statewide importance brings Mr. Stilp to the Wilkes-Barre area frequently, sometimes weekly sometime monthly depending on the political season and the issues involved. In the last election Mr. Stilp utilized his usual route through the fifty mile radius, using Interstate 81 to confront a worthless representative who was running for reelection. Mr. Stilp confronted the man in his last election with a twenty five foot pink pig that was stored at the 275 Poplar Street location.

Mr. Stilp runs the website, www.pulltheplugonppl.com which attacks PPL's huge 40% rate increase. The organizational activities of recruiting and speaking for this worthy effort take Mr. Stilp with the fifty mile radius on a weekly basis. The website covers counties in the fifty mile radius including Union, Northumberland, Montour, Columbia, Carbon, Lycoming, Luzerne, Lackawanna, Schuylkill, Susquehanna, part of Lebanon and upper Dauphin. A check of the website shows that a major portion of the are of concern for the Taxpayers and Ratepayers United's Pull the Plug on PPL Project is well within the fifty mile radius of the proposed plant.

Mr. Stilp travels weekly to one or more of the counties within the fifty mile radius of the proposed plant for recruiting purposes, fundraising purposes, and organizational purposes. On these trips he utilizes Routes 11-15, 147, 225, 209, 93, 309, 315, 29, numerous four digit rural routes and Interstates 80 and 81 on a continual basis.

On January 29, 2009, Mr. Stilp utilized routes 15, 11 to attend a N.R.C. environmental scoping hearing held at the Berwick High School a few miles from the proposed plant. Mr. Stilp represented himself and Taxpayers and ratepayers United at that hearing. He testified at the hearing.

Mr. Stilp has numerous contacts in the Hazelton area which is within the fifteen mile radius of the proposed plant. As recently as May 7, 2009 Mr. Stilp assisted one of his relatives in the Hazelton area with moving large household items requiring truck rental and allocation of time in that area. As recently as two weeks ago AAA Road Service had the pleasure of towing Mr. Stilp's vehicle from Interstate 81 near exit 158 within ten miles of the proposed plant site after all the oil in the engine decide to exit onto the highway after he picked up a load of needed small supplies and equipment from 275 Poplar Street, Wilkes-Barre ; supplies he uses in business..

Mr. Stilp is also invited to universities and colleges to speak. As recently as March 13, 2009 Mr. Stilp was invited to address a graduate class at Marywood University in Scranton, Pa. for a full three hour session. This required Mr. Stilp to utilize Interstate 81 to access the university and transverse across the fifty mile radius of the proposed plant. This was followed by a partial high school reunion in Kingston, Pa within twenty miles of the plant. Although Mr. Stilp does not have his permanent residence at the owned property, the property at 275 Poplar Street serves as the organizing place for the effort to stop the proposed plant. This was evidenced by that address being affixed to the original "Petition to Intervene" in this case and as the mailing address submitted to the N.R.C.'s electronic filing system. Mr. Stilp wanted any and all ground mailings involving this case to be delivered to his address in Wilkes-Barre, Pennsylvania at 275 Poplar Street where he would receive them on his frequent stays and visits to Wilkes-Barre for his convenience. The Applicant and the NRC Staff attorneys would have no way of knowing this but 275 Poplar Street serves as the northern organizing point for Taxpayers and Ratepayers United Association and Mr. Stilp works out of this location and utilizes and maintains his local phone there for organizing.

Mr. Stilp is concerned that an accidental release of radiation from the proposed plant would negatively affect his health, his safety, his property and his business interests.

Respectfully submitted
Signed electronically,

Gene Stilp, pro se
c/o 275 Poplar Street
Wilkes-Barre, Pa 18702
717-829-5600

June 26, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this day, June 26, 2009, that I posted a **“Supplemental Declaration on Standing of Gene Stilp, Pro Se, Individually and as Representative for Taxpayers and Ratepayers United (TRU)”** in the above captioned matter. To the best of my knowledge the following have been served electronically on the NRC Electronic Information Exchange as well as other in 52-039.

David Repka
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Signed electronically,

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June 26, 2009