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May 3, 2004

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

DOCKETED
USNRC

In the Matter of

Docket No. 52-009

May 4, 2004 (2:45PM)

System Energy Resources, Inc. (SERI)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

(Early Site Permit for Grand Gulf ESP Site)

**CONTENTIONS OF 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 REGARDING EARLY SITE PERMIT APPLICATION
FOR SITE OF GRAND GULF NUCLEAR POWER PLANT**

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.309 and the Atomic Safety and Licensing Board's ("ASLB's") Initial Prehearing Order of March 8, 2004, Petitioners, the 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) (hereinafter "Intervenors") Blue Ridge Environmental Defense League ("BREDL"), Nuclear Information and Resource Service ("NIRS") and Public Citizen, hereby submit their contentions regarding System Energy Resources Inc.'s ("SERI's") application for an Early Site Permit ("ESP") that would allow it to build and operate one or more new nuclear power plants on the site of the Grand Gulf Unit 1 nuclear power plant. As demonstrated below, these contentions should be admitted because they satisfy the NRC's admissibility requirements in 10 C.F.R. § 2.309.

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II. CONTENTIONS

Below Petitioners present their contentions, which are numbered in accordance with the ASLB's instructions in its March 8, 2004, Initial Prehearing Order. Contentions related to the Site Safety Analysis begin with 2. Contentions relating to environmental issues begin with 3. Contentions relating to emergency planning begin with 4. There are no contentions under the "administrative" or "miscellaneous" categories proposed by the ASLB in its order.

1. Administrative Contentions

Petitioners are not submitting any administrative contentions at this time.

2. Contentions Regarding Site Safety Analysis

Contention 2.1: Failure to provide adequate safety assessment of reactor interaction

Contention: The ESP application for Grand Gulf Unit 1 fails to comply with 10 C.F.R. § 52.17 because its safety assessment does not contain an adequate analysis and evaluation of the major structures, systems, and components of the facility that bear significantly on the acceptability of the site under the radiological consequences evaluation factors identified in 10 C.F.R. § 50.23(a)(1). In particular, the safety assessment does not adequately take into account the potential effects on radiological accident consequences of co-locating new reactors with advanced designs next to an older reactor. The safety assessment should contain a comprehensive evaluation and analysis of the ways in which interaction of the old and new plants under accident conditions may exacerbate the consequences of a radiological accident.

This contention is supported by the Declaration of David A. Lochbaum, Nuclear Safety Engineer, In Support of Petitioners' Contentions (May 3, 2004), copy attached as Exhibit 2.1-1.

Basis: Pursuant to 10 C.F.R. § 52.17, an ESP application must contain:

a description and safety assessment of the site on which the facility is to be located. The assessment must contain an analysis and evaluation of the major structures, systems, and components of the facility that bear significantly on the acceptability of the site under the radiological consequence evaluation factors identified in § 50.34(a)(1) of this chapter.

Pursuant to 10 C.F.R. § 50.34(a)(1)(ii), an ESP application must consider such "radiological consequence evaluation factors" as whether and to what extent "generally accepted engineering standards" are used to design the new plant, whether and to what extent the new reactor design incorporates "unique, unusual, or enhanced safety features having a significant bearing on the probability or consequences" of an accident release of radiation, and plant design features that are "intended to mitigate the radiological consequences of accidents."¹

¹ Section 50.34(a)(1) has two subsections, (i) and (ii). Subsection (ii) presumably is the relevant provision, because it applies to post-1997 applications for construction permits, design certification, or combined licenses. The relevant portion of Subsection (ii) requires submission of the following information:

(i) A description and safety assessment of the site and a safety assessment of the facility. It is expected that reactors will reflect through their design, construction and operation an extremely low probability for accidents that could result in the release of significant quantities of radioactive fission products. The following power reactor design characteristics and proposed operation will be taken into consideration by the Commission:

(A) Intended use of the reactor including the proposed maximum power level and the nature and inventory of contained radioactive materials;

(B) The extent to which generally accepted engineering standards and applied to the design of the reactor;

The safety assessment for Grand Gulf Unit 1 is deficient because it does not adequately consider the relationship between the design of the proposed new reactors and the design of the existing reactor on the site. The new reactor designs already certified by NRC and those currently under review by NRC are allegedly "safer" and less likely to have an accident involving significant core damage. For instance, the potential reactor designs listed in the application include the AP-1000 pressurized water reactor, the gas-turbine modular helium reactor ("GT-MHR"), and the pebble-bed modular reactor ("PBMR"). ESP Application, Section 1.3.1.3. The vendors of these reactors contend that the designs contain features which lessen the likelihood of an accident, and which also lessen the severity of an accident, should one occur. Consequently, the design basis accidents ("DBAs") and source terms resulting from DBAs for the proposed reactors are significantly less severe than for the existing operating reactor. Correspondingly, the new reactors are designed with fewer features to protect station workers from radiation released during accident conditions, including loss-of-coolant accidents. An accident at

(C) The extent to which the reactor incorporates unique, unusual or enhanced safety features having a significant bearing on the probability or consequences of accidental release of radioactive materials;

(D) The safety features that are to be engineered into the facility and those barriers that must be breached as a result of an accident before a release of radioactive material to the environment can occur. Special attention must be directed to plant design features intended to mitigate the radiological consequences of accidents. In performing this assessment, an applicant shall assume a fission product release [footnote omitted] from the core into the containment, assuming that the facility is operated at the ultimate power level contemplated. The applicant shall perform an evaluation and analysis of the postulated fission product release, using the expected demonstrable containment leak rate and any fission product cleanup systems intended to mitigate the consequences of the accidents, together with applicable site characteristics, including site meteorology, to evaluate the offsite radiological consequences. Site characteristics must comply with part 100 of this chapter. . . .

the existing reactor could, therefore, have significant adverse effects on the operation of the new reactor.

There are many sites in the United States with more than one operating nuclear power reactor. Many of these multiple-unit sites feature reactors of essentially duplicate design. Some of these multiple-unit sites have reactors of different design, such as the reactors at the Arkansas Nuclear One site supplied by two distinctly different manufacturers. But the reactors at these multiple-unit sites shared the common trait of having the potential for a postulated accident causing significant amounts of radiation to be released. Placing a new reactor design at a site with one or more operating reactors of an earlier vintage creates a more difficult situation.

The interaction of control room designs for older and newer reactors provides an example of this problem. The control room design for the new reactors may be sufficient to adequately protect workers from postulated accidents at that reactor and from postulated accidents at nearby reactors of the same or similar design. But the control room design for the new reactors may not adequately protect workers from postulated accidents at nearby reactors of different design (e.g., the current fleet of operating reactors).

As required by General Design Criterion 19 of Appendix A to Part 50, a control room:

shall be provided from which actions can be taken to operate the nuclear power unit safely under normal conditions and to maintain it in a safe condition under accident conditions, including loss-of-coolant accidents. Adequate radiation protection shall be provided to permit access and occupancy of the control room under accident conditions without personnel receiving radiation exposures in excess of 5 rem whole body, or its equivalent to any part of the body, for the duration of the accident. Equipment at appropriate locations outside the control room shall be provided (1) with a design capability for prompt hot shutdown of

the reactor, including necessary instrumentation and controls to maintain the unit in a safe condition during hot shutdown, and (2) with a potential capability for subsequent cold shutdown of the reactor through the use of suitable procedures.

The reactors operating today, such as Grand Gulf Unit 1, are designed with ventilation systems that maintain the control rooms at higher pressure than outside so that in event of an accident, clean air leaks out of the control room rather than radioactive air leaking in. Some outside air must be drawn in to create the positive pressure inside the control rooms- this outside air passes through charcoal and HEPA filters to remove radioactivity before it reached the operators in the control rooms. Because these existing reactors cannot preclude the occurrence of an accident resulting in significant release of radiation, GDC 19 requires their control rooms be designed to protect workers from exposure to that radiation.

Because new reactor designs are allegedly safer, the protection for control room operators is less. Assuming the new reactor designs are safer, building one next to an existing reactor means that it will be exposed to radiation released during an accident at Grand Gulf Unit 1. Thus, it is unreasonable to protect the operators in the control room of the new reactor(s) at the Grand Gulf site, but not the operators in the control room of the existing reactor. The applicant has not shown that the workers in the control room of a new plant or plants would be adequately protected from a design basis accident or a severe accident, as required by GDC 19.

Environmental qualification of electrical equipment provides another example of the potentially adverse interaction between old and new plant designs. Pursuant to 10 C.F.R. § 50.49 and General Design Criterion 4 of Appendix A to Part 50, nuclear power plant electrical equipment must be qualified to withstand the severity of accident

conditions that are predicted for that plant design. Because accidents at nuclear plants of relatively new design are not expected to be as severe as accidents than for older plants, electrical equipment in the new plants at the Grand Gulf site may not be qualified to withstand levels of heat or radiation that may be generated by an accident at the existing plant. This should be of concern to the applicant because of the relatively close proximity of the new and existing plants.²

Contention 2.2: Failure to Evaluate Site Suitability for Below-Grade Placement of Reactor Containment

Contention: The Site Safety Analysis Report for the Grand Gulf ESP application is inadequate because it does not evaluate the suitability of the site to locate the reactor containment below grade-level. Below-grade construction is advisable and appropriate, if not necessary, in order to maintain an adequate level of security in the post-9/11 threat environment.

Basis:

a. **Legal requirements.** Pursuant to 10 C.F.R. § 52.17, an ESP application must contain “a description and safety assessment of the site on which the facility is to be located.” Section 52.17 also requires that site characteristics “must comply with part 100 of this chapter.” Part 100 requirements include the stipulation that: “[s]ite characteristics must be such that adequate security plans and measures can be developed.” 10 C.F.R. § 100.21(f). The site conditions that must be evaluated include “soil and rock stability,

² Section 3.6 of the ESP application for Grand Gulf reports that the proposed new reactor(s) will be 1,200 feet west and 1,000 feet north of Unit 1. A radiological release could therefore impact the new reactor(s).

liquefaction potential, natural and artificial slope stability, cooling water supply, and remote safety-related structure siting.”

b. Rationale for requiring below-grade construction of containments. The applicant should be required to evaluate the Grand Gulf site for below-grade construction of the containment because, as currently designed and constructed, nuclear power plants are unacceptably attractive and vulnerable targets for terrorist attacks and sabotage. The attractiveness of nuclear plants as terrorist targets is well-recognized. In his 2002 State of the Union Address, for example, President Bush stated that nuclear power plants are priority targets for terrorists.

<http://www.cnn.com/2002/ALLPOLITICS/01/29/bush.speech.txt/>. The fact that nuclear plants are still high on Al Qaeda’s target list was recently confirmed by Robert Hutchings, chairman of the National Intelligence Council (which reports to the CIA Director). Reuters, “U.S. Intelligence Official: Qaeda Posed Plane Threat,” New York Times (February 17, 2004), copy attached as Exhibit 2.2-1.

The vulnerability of containment structures and associated irradiated fuel storage ponds to terrorist attack, particularly to aircraft penetration, has also been recognized in NRC documents and press articles. For example, a 1987 NRC-sponsored study found that a 12,500 pound aircraft had a 32% chance of crashing through a 6-feet thick reinforced concrete wall, and an 84% chance of penetrating through a 2-feet thick reinforced concrete wall. NUREG-/CR-5042, Evaluation of External Hazards to Nuclear

Power Plants in the United States (December 1987), relevant excerpts attached as Exhibit 2.2-2.³

A 1982 study by Argonne National Laboratory also concluded that U.S. reactor containments have not been adequately evaluated for effects of explosion and fire from impact associated with penetration by an aircraft. While the study is not available from the NRC's Public Document Room, it was described by the Washington Post in an October 25, 2001 article. Peter Behr, "Nuclear Plants Vulnerability Raised Attack Concerns: 1982 Report on Danger of Jet Crashes Into Reactors Was Open To Public," Washington Post at A4 (October 25, 2001), copy attached as Exhibit 2.2-3. According to the article, Argonne National Laboratory calculated the impact of various commercial aircraft at varying speeds. The study determined that the containment dome would be penetrated at the highest flight speeds. The study also determined that the ignition of a small percentage of the aviation fuel inside the containment dome would have the force of 1,000 pounds of explosives and "could lead to rather violent explosion environment and impose upon the primary containment relatively severe loads." *Id.* As quoted by the Washington Post article, the Argonne study raised the concern that:

Based on the review of past [NRC] licensing experience, it appears that fire and explosion hazards have been treated with much less care than the direct aircraft impact and the resulting structural response.

Therefore, the claim that these fire/explosion effects do not represent a threat to nuclear power plant facilities has not been clearly demonstrated.

Id. Moreover, according to NUREG-1738, "Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants," § 3.5.2 (January 2001), one

³ Notably, a "large" aircraft was defined as weighing 12,500 pounds, even though the report observed that a Boeing B727-200 has a maximum takeoff weight of 209,500 pounds (or roughly the equivalent of 17 "large" aircraft). *Id.*, Table 6.4 at 6-27.

out of two aircraft flying today is large enough to penetrate a 5-foot thick reinforced concrete wall, such as the side of a irradiate fuel storage pond. *Id.* Relevant pages of the report are attached as Exhibit 2.2-4.

The various advanced reactor generation designs that are being considered by SERI in its application were developed before the terrorist attacks of September 11, and before the NRC undertook a comprehensive evaluation of its regulations to evaluate their adequacy to protect against the terrorist threat. Thus, they are not specifically designed to protect against assault by attackers with the level of determination and capability demonstrated by the September 11 terrorist attackers. In fact, the new generation of advanced reactors does not have as robust a containment as the current generation. For example, as a general matter, the containment thickness of the current generation of nuclear power plants is about 2-3 feet.⁴ The containments of the allegedly new “inherently safe” reactor containment building designs are equivalent or even thinner. For example, the Westinghouse AP 600 Advanced Pressurized Water Reactor has a 3-foot thick containment wall of reinforced concrete.⁵

⁴ For example, the containment dome for the existing Grand Gulf reactor, the Clinton nuclear power station in Clinton, and other Boiling Water Reactor Mark III designs are 0.25-inches of steel and 2.5-feet of reinforced concrete. NUREG/CR-1037, Containment Performance Working Group Report at 2-29 (May 1985). Similarly, the thickness of the containment dome of the Davis-Besse reactor, a Pressurized Water Reactor, is 13/16-inch of steel and 2.5-feet thick reinforced concrete. NUREG/CR-5567, PWR Dry Containment Issue Characterization at 8 (August 1990). The thickness of the containment dome at the Surry nuclear power station, also a PWR, is 2.5 feet of reinforced concrete. NUREG/CR-5662, Hydrogen Combustion, Control, and Value-Impact Analysis for PWR Containments at 145 (June 1991).

⁵ Declaration of Paul V. Gunter (May 3, 2004), attached as Exhibit 2.2-5.

c. Viability of below-grade construction

Below-grade construction of nuclear reactor containments is a viable design security measure that would protect the reactor containment from assault by aircraft or other high-power weapons. In fact, consideration of below-grade construction was recommended as a prudent design feature over 50 years ago by Dr. Edward Teller, one of the founders of the U.S. nuclear industry. In a July 23, 1953, letter to the Joint Committee on Atomic Energy, Dr. Teller noted:

[t]he various committees dealing with reactor safety have come to the conclusion that none of the powerful reactors built or suggested up to the present time are absolutely safe. Though the possibility of an accident seems small, a release of the active products in a city or densely populated area would lead to disastrous results. It has been therefore the practice of these committees to recommend the observance of exclusion distances, that is, to exclude the public from areas around reactors, the size of the area varying in appropriate manner with the amount of radioactive poison that the reactor might release. Rigid enforcement of such exclusion distances might hamper future development of reactors to an unreasonable extent. In particular, the danger that a reactor might malfunction and release its radioactive poison differs for different kinds of reactors. It is my opinion that reactors of sufficiently safe types might be developed in the near future. *Apart from the basic construction of the reactor, underground location or particularly thought-fully constructed safety devices might be considered.*

Letter from Dr. Edward Teller to the Honorable Sterling Cole, Chairman of the Joint Committee on Atomic Energy, United States Congress (emphasis added), copy attached as Exhibit 2.2-6.⁶

There is no indication in the ESP application that the applicant considered the suitability of the site for below-grade construction of the reactor containment. While the application evaluates the suitability of the site for construction of a foundation for the facility, suitability for underground construction would require a much more

⁶ Petitioners note that they were unable to obtain a copy of the original letter. The copy that is attached is was retyped and posted on the website of the Nuclear Age Peace Foundation.

sophisticated and in-depth analysis of geological and hydrogeological conditions.

Therefore, Petitioners contend that the applicant has not provided sufficient information within its site safety analysis to permit a finding that the propose site is suitable for new nuclear reactors.

3. Environmental Contentions

Contention 3.1: Inadequate Consideration of Disproportionate Adverse Impacts on Minority and Low-Income Community

Contention: SERI's Environmental Report ("ER"), prepared in support of its Early Site Permit application, does not comply with the National Environmental Policy Act ("NEPA") because it does not adequately consider the adverse and disparate environmental impacts of the proposed nuclear facilities on the predominately African American and low-income community of Claiborne County.

At the outset, while the ER acknowledges the existence of minority and low-income populations within a 50-mile radius around the Grand Gulf site, *see* ER § 2.5.4, the ER understates the levels of minority representation and poverty in Claiborne County, which hosts the Grand Gulf site and which takes up much of the area in the portion of Grand Gulf's 10-mile-radius emergency planning zone that lies on the east side of the Mississippi River. As a result, the ER falsely minimizes the disparity of the adverse impacts on the minority and low-income community of Claiborne County.

The ER also fails to address the environmental impacts of the proposed reactor(s) in light of the "factors peculiar to" the minority and low-income community Claiborne County. *Louisiana Energy Services* (Claiborne Enrichment Center), CLI-98-3, 47 NRC 77, 100 (1998) (hereinafter "CLI-98-3"). For instance, the ER fails to address the fact

that, by virtue of the simple factor of its close proximity to the proposed reactor(s), the minority and low-income community bears the highest risk of injury and illness as a result of severe accidents at the proposed facility. Moreover, the ER fails to address the fact that the Claiborne County government is particularly unprepared to respond to a radiological emergency or a security threat at the proposed reactor(s), as a result of the high level of poverty in the county and the effects of a discriminatory tax policy that sends most of the tax revenue from Grand Gulf out of Claiborne County.

The ER also fails to consider the effect of adding two reactors to the Grand Gulf site on property values and the overall economic health of Claiborne County. By concentrating three nuclear power plants on one site, SERI proposes to create a nuclear sacrifice zone in Claiborne County. The ER should consider the predictable decline in property values and the economic health of the area.

The ER is also deficient because it makes no attempt to evaluate the disparity in distribution of the economic benefits yielded by the proposed reactors. For instance, under current tax law, most of the tax revenue generated by the new reactors will go to the State of Mississippi and county governments other than Claiborne County. Most of the jobs generated by the new reactor(s) will go to people who live outside Claiborne County.

Finally, the ER fails to weigh the costs of the proposed reactor(s) to the minority and low-income community against the benefits to the community, or to examine alternatives that would lessen the impact of the facility and/or distribute the costs and benefits more equitably. These alternatives could include consideration of other sites whose surrounding populations are in a better financial position to absorb the costs of

mounting an effective response to a radiological emergency at the nuclear plant, or arrangements to more equitably distribute the wealth that is generated by the facility.

This contention is supported by the Declaration of Robert Bullard, Ph.D., In Support of Petitioners' Environmental Justice Contention, copy attached as Exhibit 3.1-1. Dr. Bullard has been found by the NRC to be a qualified expert on environmental justice issues. *See Louisiana Energy Services (Claiborne Enrichment Center)*, LBP-97-8, 45 NRC 367, 379 (1997), *affirmed in part and reversed in part*, CLI-98-3, 47 NRC 77 (1998). A copy of Dr. Bullard's declaration is attached as Exhibit 3.1-2.

Basis:

a. Requirements of NEPA. NEPA requires the NRC to fully assess the impacts of the proposed action, including the disparate impacts on a low-income and minority community. CLI-98-6, 47 NRC at 106. The question of whether a proposed NRC action adversely affects minority and low-income communities in a disparate way "lies close to the heart of NEPA." *Id.*, 47 NRC at 106. Adverse impacts that "fall heavily on minority and impoverished citizens call for particularly close scrutiny." *Id.*

In CLI-98-3, the Commission declared that a "disparate impact analysis" is its "principal tool" for advancing environmental justice under NEPA." *Id.*, 47 NRC at 100. As the Commission explained, in a disparate impact analysis, the NRC "identifies and adequately weighs, or mitigates, impacts on low-income and minority communities apparent only by considering factors peculiar to those communities." *Id.*

b. History and demographics of Claiborne County. Located near the Mississippi River just South of the Delta, Claiborne County was among Mississippi's first white settlements. On the eve of the Civil War, the community was dominated by cotton

planters and mercantile traders with slaves outnumbering whites almost five to one. The Civil War and Confederate defeat brought a dramatic short-term reversal of fortune to both planters and slaves. In 1860, there were 3,339 whites, 12,296 enslaved African Americans, and 44 free blacks in the county. Seven years later, blacks had helped the Union army win significant battles, the 13th Amendment had banned slavery, and black voters outnumbered white 1015 to nine.⁷

Well into the 20th century, Claiborne County was shaped by the legacy of slavery and the system of sharecropping that replaced it. As late as 1930, 81 percent of African American workers in Claiborne County were involved in agriculture and the demands of the cotton season shaped every aspect of black life--work, school, housing, food, religion, and recreation.⁸

Segregation continued racial inequality in Claiborne County and the County Seat of Port Gibson. Schools, churches, buses, funeral homes, cemeteries, the theater, civic organizations, and even fundraising drives were segregated. The hospital kept black and white patients apart. Bus stations, the courthouse, cotton gins, gas stations, and doctors either provided separate waiting rooms, bathrooms, and water fountains or excluded African Americans from their facilities. Segregation extended to veteran's organizations, bus driver training, and contests. The county also had a white and a Negro county agent, separate clover tours for white and black farmers, and segregated 4-H clubs. When local businesses sponsored entertainment, they sometimes held separate showings for white

⁷ Emilye Crosby, "A Little Taste of Freedom: the African American Freedom Struggle in Claiborne County, Mississippi" at 7 (August 2003) (hereinafter "A Little Taste of Freedom"), excerpts attached as Exhibit 3.1.-2. A Little Taste of Freedom is a draft manuscript under contract with the University of North Carolina Press.

⁸ *Id.*

and colored, but blacks were often excluded from public spaces and events, including the annual holiday church tour, the Fat Stock show, and the public library. The Port Gibson Reveille almost invariably identified the race of blacks, but not whites. White newsman Fred Powledge writes that "the normal condition, according to the press and most of the rest of white society, was one of whiteness. Blackness was the exception."⁹

Grand Gulf Unit 1 received a construction permit in 1974, and began operating in 1985. NUREG/CR-6577, Supp. 2, ORNL/TM-2003/219, U.S. Nuclear Power Plant Operating Cost and Experience Summaries at 87 (2003). During the years of construction and operation of the nuclear plant, Claiborne County has become progressively more isolated and racially segregated. Between 1970 and 1980, the population of Claiborne County grew from 10,086 to 12,279. Between 1980 and 1990, this growth trend reversed: by 1990, the population had decreased to 11,370. Today, only 11,831 people live in Claiborne County.¹⁰ "White flight" from the County has been a steady trend: in 1980, Claiborne County was 74.5% percent African American; today, it is 84.1 percent African American.¹¹

The presence of the Grand Gulf plant has not pulled Claiborne County out of a relatively high poverty level. In 1980, the poverty rate in the county was 32.9%. The most recently available census data show that in 1999, the County's poverty rate was 32.4%. This level is high in comparison with a poverty rate of 20% for the entire state.

⁹ A Little Taste of Freedom at 13.

¹⁰ University of Mississippi Center for Population Studies, "Percent Change for Mississippi Counties 1970, 1980, 1990, and 2000," also found at <http://www.olemiss.edu/depts/sdc/countygro.pdf>.

¹¹ Missouri State Data Center, "Basic Demographic Trend Report, United States Counties: Claiborne County, Mississippi," also found at <http://www.oseda.missouri.edu/mscdc/census/us/trend/counties/S28MS/C20821>.

<http://quickfacts.census.gov/qfd/states/28/28021.html>. 1998 census data show that of the 82 counties in Mississippi, only 11 have a higher poverty level than Claiborne County. http://www.census.gov/hhes/www/saife/stcty/a98_28.htm. Moreover, the 1999 poverty level in Claiborne County was more than twice the poverty level in the entire U.S. of 12.4%. Bishaw and Iceland, Poverty: 1999, Census 2000 Brief, copy attached as Exhibit 3.1-3. This report can also be found at www.census.gov/prod/2003pubs/c2kbr-19.pdf.

Claiborne County income levels are low in comparison with the state and the rest of the U.S. The 1999 median household income in Claiborne County was \$22,615, compared with a 1999 median household income of \$31,330 in the State of Mississippi, and a 1999 median U.S. income of \$41,994. *See* U.S. census data, <http://quickfacts.census.gov/qfd/states/00000.html>.

c. ER distorts minority and low-income representation. The ER generally concedes that the region surrounding Grand Gulf is “a rural, economically isolated community.” ER § 2.5.4. The ER also acknowledges that 32.4% of Claiborne County residents live in poverty. *Id.* In two major respects, however, the ER presents a distorted picture of the minority and low-income populations that will be most directly affected by the proposed facility, *i.e.*, the residents of Claiborne County. The distortions are significant, because they underplays the significance of racial discrimination and racial isolation with respect to the environmental impacts of the proposed reactor(s).

First, the ER fails to directly acknowledge that a minority community surrounds the Grand Gulf site, and occupies virtually the entire portion of the ten-mile emergency planning zone that lies on the east side of the Mississippi River. According to the ER:

Portions of Mississippi counties and Louisiana parishes in the region with minority populations that met the criteria [for identifying minority populations]

are indicated in Figures 2.5-6 and 2.5-7, respectively. Overall, minority individuals account for approximately 46% of the population within the 50-miles radius (Table 2.5-3).

ER § 2.5.4. Figure 2.5-6 shows that on the State of Mississippi side of the Mississippi River, there is a broad geographical band running northeast to southwest that takes up most of the Mississippi portion of the ten-mile emergency planning zone, for which the minority population is over 50%. Nowhere in the text of the ER is this fact discussed. Moreover, neither the text of the ER nor Figure 2.5-6 acknowledges that the level of minority representation inside the emergency planning zone on the Mississippi side is 84%, much higher than 50%.

Second, in order to identify low-income communities, the ER uses an inappropriate geographic area for comparison. NRC Office Instruction LIC-203, Procedural Guidance for preparing Environmental Assessments and Considering Environmental Issues (2001), defines a “low-income population” as one in which:

1) the low-income population in the census block group or the environmental impact area exceeds 50 percent, or 2) the percentage of households below the poverty level in an environmental impact area is significantly greater (typically 20 percentage points) than the low-income population percentage in the geographic area chosen for the comparative analysis.”

Id. at D-9. Although the ER acknowledges that Claiborne, Copiah, and Jefferson Counties in Mississippi, and Tensas Parish in Louisiana are classified as “persistent poverty counties” by the Rural Economy Division of the U.S. Department of Agriculture, *see* ER § 2.5.4, it identifies only a miniscule area in Jefferson County as a “low-income” community under the NRC’s criteria. ER § 2.5.4 and Figure 2.5-8. SERI apparently made this determination by comparing the poverty level in Claiborne County (32.4%) with the poverty level in the State of Mississippi (19.9%). Because the difference does

not exceed 20%, SERI did not include Claiborne County as a low-income community in Figure 2.5-8.

By choosing Mississippi as the geographic area to be compared with Claiborne County, SERI failed to follow the guidance of LIC-203. LIC-203 states that:

In determining whether a minority or low-income population exists, define the geographic area to use for the comparative analysis. The area used for the comparative analysis is larger and encompasses the entire area of potential impact from the proposed action or all of the environmental impact areas (it is called the geographic area). See Figures 2 and 3 for examples.

When a regulatory action is being considered that involves alternative site considerations, such as an early site or construction permit, then, in addition to determining the individual geographic area for each site as defined above, determine an overall geographic area that encompasses all of the alternative site geographic areas. See Figure 3 for an example.

Id. at D-4 (emphasis added). Thus, in this case early site permit case, SERI should have considered an “overall geographic area” that encompassed the six other nuclear power plant sites that SER considered in its NEPA analysis: Arkansas Nuclear One, James A. Fitzpatrick, Indian Point Energy Center, Pilgrim Nuclear Station, River Bend Nuclear Station, and Waterford-3. ER § 9.3.3.3.¹² Notably, some of these plants (James A. Fitzpatrick, Indian Point Energy Center, Pilgrim Nuclear Station), are in the northeast, where the poverty level is considerably lower than in the South. See Bishaw and Iceland, *supra*, at 3.

¹² Even in correctly applying the guidance of LIC-203, Petitioners believe that SERI should have also taken into account the fact that nuclear power plants, nuclear waste dumps, and other toxic facilities tend to be located in geographic regions where the level of poverty and minority representation is relatively high. Thus, for instance, three of the six sites identified above are located in states with a relatively high poverty level in comparison with the rest of the U.S.: Arkansas and Louisiana. Thus, Petitioners consider it more appropriate to use national demographic statistics when evaluating whether a proposed nuclear plant affects a “low-income community.”

d. Disproportionate accident risk.

In Section 5.8.3, the ER provides an extremely brief discussion of “Environmental Justice Impacts.” Under the heading “Potential Human Health Impacts,” SERI asserts that accidents at the new Grand Gulf reactors would pose “no significant adverse health impacts to the public,” because radiological consequences of postulated accidents would “meet the site acceptance criteria of 10 CFR 50.34 and 10 CFR 100 for the exclusion area boundary and low population zone boundary.” ER § 5.8.3.2.2.

SERI’s evaluation of accident impacts on the minority and low-income community that lies adjacent to the Grand Gulf site is inadequate because it only considers design basis accidents, and because it is misleading. SERI states that “[t]he evaluation of postulated accidents is provided in Section 7.1” of the ER. *Id.* In fact, the ER’s evaluation of postulated accidents is discussed in Section 7.1 *and* Section 7.2. Section 7.1 discusses only design basis accidents, whose consequences are presumed to be contained within the site boundary. Section 7.2, which addresses severe accidents, whose radiological consequences are presumed to extend beyond the site boundary. While severe accidents are less likely to occur than design basis accidents, the NRC learned from the Three Mile Island accident and the Chernobyl accident that some types of severe accidents are credible, and therefore their impacts must be considered in a NEPA analysis. *See Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), CLI-90-4, 31 NRC 333 (1990). Moreover, by requiring emergency plans for the ten-mile emergency planning zone around every nuclear reactor, the NRC recognizes that severe accidents are credible and must be planned for. *See* 10 C.F.R. § 50.47.

SERI concedes that the consequences of severe accidents may be extreme, and that therefore it is important to consider the impacts of severe accidents on the environment and their "offsite costs." *Id.* at 7.2-1. SERI also acknowledges that the primary factors affecting risk in a severe accident are:

the site population (which reflects the number of people potentially at risk to severe accident exposure) and wind direction (which reflects the likelihood of exposure).

Id., § 7.2.2, citing NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Vol. 1 at 5-20 (May 1996). Yet, nowhere in the ER does SER provide an analysis of the environmental impacts of severe accidents on the minority and low-income community that lies within the ten-mile emergency planning zone around Grand Gulf. Nowhere does the ER address the relationship between the "site population," the "wind directions," and the environmental impacts of a severe accident on the minority and low-income community of Claiborne County. Nowhere does the ER address the "offsite costs" of a severe accident to Claiborne County. And nowhere does the ER address the disparity between the impacts of severe accidents on the adjacent minority and low-income community and the impacts on other communities in the area of impact of the proposed Grand Gulf reactor(s). Thus, the ER is grossly inadequate to satisfy the requirements of NEPA and the Commission's requirements in CLI-98-3.

e. Disproportionate risk due to lack of adequate emergency planning and security resources.

The ER also fails 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. The section of the ESP application entitled “Emergency Planning Information” states that the “potential nature of some emergencies may warrant the utilization of offsite individuals, organizations, and agencies.” ESP Application, Part 4, § 3.3.1. Therefore, SERI plans to make “local support services arrangements with offsite groups. According to SERI, support services “encompass such things as medical assistance, fire control, evacuation, ambulance services, and law enforcement.” *Id.*

Thus, SERI plans to depend on local fire control, law enforcement, and health care facilities to assist in responding to any emergency that may occur at the new reactor(s), and thereby attempt to prevent or mitigate the impacts of any radiological accidents that may occur at the new reactor(s).

The ER fails to consider, however, that one of the factors that is “peculiar” to the minority and low-income community of Claiborne County is its profound lack of adequate resources to respond to such an emergency. CLI-98-3, 47 NRC at 100. Each of the major local agencies that are responsible for responding to an emergency at Grand Gulf has major shortages of funding and equipment that seriously impair the agency’s ability to respond to a radiological emergency.

For instance, Claiborne County has only one fire station in operation, although five such stations were originally envisioned for the county. Declaration of A.C. Garner, NAACP Claiborne County, Mississippi Branch, par. 7 (April 28, 2004) (hereinafter

“Garner Declaration”), attached as Exhibit 3.1-4. The only other operable fire station for Claiborne County is located at the Grand Gulf nuclear power plant. *Id.*

The Claiborne County Sheriff’s Department is similarly under-equipped and under-staffed. The Sheriff’s Department plays a critical role in security and emergency response for the Grand Gulf Nuclear Station, and is designated as the first responder for any accident or other emergency that occurs at the plant. Declaration of Joseph C. Davis, President of the NAACP, Claiborne County, Mississippi Branch, par. 5 (April 28, 2004) (hereinafter “Joseph C. Davis Declaration”), attached as Exhibit 3.1-5.¹³ But the County has only nine law enforcement officers, and only two are on patrol for the entire county at night. *Id.*, par. 7. Moreover, there are only ten patrol cars at the sheriff’s Department. *Id.*, par. 8. These resources are insufficient to respond to an emergency at the Grand Gulf plant. *Id.*, pars. 6, 10. *See also* Declaration of Frank Davis in Support of Petitioners’ Contentions Regarding the Grand Gulf Early Site Permit Application, par. 3 (April 29, 2004) (hereinafter “Frank Davis Declaration”), attached as Exhibit 3.1-6.

These deficiencies in the local law enforcement capabilities are particularly significant in light of the current post-9/11 threat environment. As recognized by the Nuclear Energy Institute (NEI), the recent increase in the security threat to nuclear power plants has led to a corresponding and rapid rise in initial response requirements from local law enforcement agencies, namely the Claiborne County Sheriff’s Department.

¹³ *See also* ESP Application, Part 2 -- Site Safety Analysis Report, § 3.1.6.4, which states that:

Given the location of a new facility in relationship to GGNS Unit 1 which has, as part of its security plan, made provisions with local law enforcement agencies, there is high assurance that similar provisions can be made with regard to any new facility, in that the jurisdictions and local law enforcement agencies are the same as for GGNS Unit 1.

Lance Terry, NEI, "Nuclear Power Plant Security," viewgraph presentation to NRC Regulatory Information Conference (March 2003), excerpt attached as Exhibit 3.1-7.

Claiborne County Hospital, the only hospital in the county, is also designated as the first responder in a radiological emergency. Declaration of Wanda C. Fleming, Claiborne County Hospital Administrator, par. 3 (April 27, 2004), attached as Exhibit 3.1-8. *See also* ESP Application, Part 4 -- Emergency Planning Information, § 3.12. The hospital is housed in a 53-year old building with antiquated and deteriorating facilities. Fleming Declaration, par. 4. Constraints on space and finances make it impossible to expand the facility or the base of services offered; or to upgrade vital medical, information and communications equipment, and needed surveillance/security systems. *Id.* In order to provide the most basic services, such as emergency room care, the hospital has had to borrow in excess of half a million dollars. *Id.*, par. 6. The hospital does not have adequate financial resources to effectively prepare for and medically manage a radiological emergency at the existing nuclear power plant, let alone two new reactors. *Id.*, pars. 6 and 7.

To some extent, the lack of adequate resources for the Claiborne County emergency response agencies can be attributed to the general economic condition of the County. But there is a more insidious and unique factor at work in Claiborne County. While every other county in Mississippi that hosts an electricity generating station is allowed to tax that generating station for its own citizens, the Mississippi Tax Code provides that Grand Gulf is to be taxed by the State instead of the county, and that the taxes on the plant are to be shared with 44 other counties in the State of Mississippi and within the electricity distribution of the nuclear power station. *See* Garner Declaration,

par. 5. *See also Burrell v. Mississippi State Tax Commission*, Supreme Court of Mississippi, 536 So.2d 848 (Miss. Sup. Ct. 1988). As a result of this arrangement, Claiborne County receives only 30% of the tax revenue generated by the Grand Gulf nuclear power plant. *Id.*¹⁴

f. Disproportionate adverse economic impacts.

The ER fails to address the effect of construction of two new reactors on property values in the surrounding area. As recognized in CLI-98-3, it is appropriate to evaluate the impacts of new nuclear facilities on property values in a minority and low-income community. 47 NRC at 108-09. As discussed above, the presence of the Grand Gulf nuclear plant has not reduced the relatively high poverty level of Claiborne County for the past twenty-plus years. Moreover, white flight from the County has continued at a steady rate. Under the circumstances, property values are likely to decline if a new hazardous facility is located in the community.

The ER also fails to evaluate the economic impacts on Claiborne County of imposing additional economic burdens on the County for emergency preparedness, without also providing sufficient tax revenue to the County to support those services.

¹⁴ SERI gives out inconsistent information on the amount of tax revenue that is given to Claiborne County. In Section 2.5.2.2., the ER provides a brief description of this somewhat complicated arrangement, stating that Claiborne County receives \$3.04 million and Port Gibson receives \$160,000 out of a \$20 million annual state tax assessment of the Grand Gulf nuclear plant. In a March 15, 2004, letter to Janette Wipper, Entergy CEO Gary J. Taylor stated that "Claiborne County today receives \$8 million in property tax revenue from Grand Gulf." Letter from Gary J. Taylor, Entergy CEO, to Janette Wipper, Assistant General counsel, NAACP (hereinafter "Taylor Letter"). A copy of the letter is attached as Exhibit 3.1-9. Whether \$3 million or \$8 million, Claiborne County clearly receives only a fraction of the tax revenue generated by the Grand Gulf nuclear plant.

g. Disproportionately low benefits of proposed reactors.

According to the ER, the new reactors would have “[s]everal positive socioeconomic impacts,” including “employment opportunities, both directly and indirectly related to facility operation for workers within the region of the GGNS site, and increased tax revenues.” ER § 5.8.3.2.3. This discussion is deficient because it does not address the fact that most of the tax revenue from the new reactors will go out of the county. It also fails to address the fact that the new plant(s) will create few new jobs for the local community. According to the Taylor Letter, approximately 20% of Grand Gulf’s employees live in Claiborne County. Of that small percentage, Mr. Taylor does not state what percent are African American.

Claiborne County has been an economically depressed area for some time. Economic and job opportunities have always been scarce in the county, particularly for African Americans. In 1968, the county’s biggest employer, the Box Factory, closed and by 1970, the county’s traditional jobs in farming and the timber industry had all but disappeared. In 1979, black per capita income of \$9,570 was still less than half white per capita income of \$22,146. By 1989, there were only 590 manufacturing jobs and 13.6 percent of the county’s labor force was out of work. The vast majority of those, 93 percent, were black. The reality was even worse because these numbers did not include people who had given up looking for work.¹⁵

The Grand Gulf Nuclear Power Plant, which began operation in July 1985, was promoted as the answer to this dire economic situation, promising jobs and tax revenue. This promise turned out to be ephemeral. After Grand Gulf opened, the State of

¹⁵ A Little Taste of Freedom at 211.

Mississippi took away most of the tax revenue from the County. As discussed above, only 20% of Grand Gulf's employees live in Claiborne County. The ER should take a "hard look" at this disparity in economic benefits.

f. Failure to adequately weigh alternatives. Once the ER has provided a sufficiently detailed description of the environmental impacts of the proposed new reactor(s) on the surrounding minority and low-income community, SERI must evaluate reasonable alternatives that would avoid or mitigate those impacts. 10 C.F.R. § 51.45(b)(3). While SERI has provided an evaluation of alternative sites and energy supply sources in Chapter 9, it has not taken environmental justice issues into account in weighing these alternatives. SERI must conduct a new evaluation of alternatives in consideration of their environmental impacts on low-income and minority communities, including the no-action alternative, alternative sites, alternatives for reducing the off-site impacts of severe accidents, and alternatives for distributing the benefits of the new plant(s) more equitably.¹⁶

Contention 3.2: Inadequate Discussion of Severe Accident Impacts

Contention: The ER's discussion of severe accident is inadequate, because it relies on the findings and conclusions of NUREG-1437, Vol. 1, the Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants (1996) ("NUREG-1437"), without providing specific design information that would justify the applicability of the NUREG.

¹⁶ As discussed in Contention 3.2 below, however, Petitioners do not believe that SERI has provided enough information to make a thorough analysis of the environmental impacts of severe accidents at the proposed new Grand Gulf reactors.

Basis: As required by NEPA and NRC Staff guidance, Section 7.2 of the ER for the Grand Gulf site provides an analysis of environmental impacts of severe accidents at the proposed new nuclear reactor(s). *See* NUREG-1555, Environmental Standard Review Plan (1999); Draft Review Standard RS-002, "Processing Applications for Early Site Permits" at 11 (2003), Accession No. ML032340334 (hereinafter "RS-002"). SERI's analysis is deficient, however, because it incorporates the findings and conclusions of NUREG-1437, without justifying the applicability of the NUREG.

In correspondence with the Nuclear Energy Institute ("NEI"), the NRC Staff has set limits on the use of NUREG-1437 to support or substitute for the severe accident analysis required of an ESP application. In early 2003, NEI wrote to the NRC, suggesting parameters for permitting reliance on NUREG-1437. Letter from Dr. Ronald L. Simard, NEI, to James E. Lyons, re: Resolution of Generic Topic ESP-10 (Use of License Renewal Generic Environmental Impact Statement (NUREG-1437) for Early Site Permits) (February 6, 2003) (hereinafter "Simard Letter"), copy attached as Exhibit 3.2-1. In responding to the Simard Letter, the NRC made it clear that ESP applicants could not make unqualified reliance on NUREG-1437, cautioning that:

the process suggested in Items 2, 3, and 4 [of the Simard Letter], and the concluding remarks of your letter implies that the ESP applicant can adopt the conclusions of the GEIS in its application without detailed knowledge of the design and operational characteristics of a facility that may be built on the proposed site. The GEIS documents the staff's evaluation of the environmental impacts of LWR reactors of known design, locations, and operating experiences. The analysis results documented in the GEIS may not be representative of the environmental impacts of a facility that could be built on the site proposed in an ESP application. Therefore, although the environmental impacts of the construction and operation of a nuclear facility located on the proposed site may be similar to those identified in the GEIS, it is incumbent on the ESP applicant to justify its conclusion regarding these impacts.

The NRC does believe that there may be useful insights in the GEIS that an ESP applicant can consider for its purposes in developing its environmental report, but, as stated above, the burden for justifying relevance and demonstrating completeness rests entirely with the applicant. In addition, the NRC retains the prerogative to utilize well-established NEPA techniques, such as tiering, cooperation and adoption, where the NRC believes that it is appropriate.

Letter from James E. Lyons, NRC, to Dr. Ronald L. Simard, NEI, re: Resolution of Early Site Permit Topic 10 (ESP-10), Use of License Renewal Generic Environmental Impact Statement (NUREG-1437) for Early Site Permits (April 1, 2003) (hereinafter "Lyons Letter I"), copy attached as Exhibit 3.2-2. In a subsequent letter, Mr. Lyons Letter further clarified that:

[t]he NRC will perform its review on severe accident environmental impacts in accordance with ESRP Section 7.2. If specific plant design information is available (e.g., a detailed design with a Level 3 PRA), then this information would be used in the evaluation. However, even in the absence of a detailed plant design (e.g., the specific reactor type or technology is undecided), a severe accident impacts analysis is technically feasible at the ESP stage using a PPE approach and the existing guidance in ESRP [Early Site Review Plan] Section 7.2. Such a approach could involve characterizing the spectrum of credible releases from candidate future plant designs, in terms of representative source terms and their respective frequencies, and using these release characteristics in conjunction with site-specific population and meteorology to determine site-specific risk impacts for the surrogate design. Release characteristics could be developed through a survey of severe accident analyses for previously certified ALWRs and/or operating reactors. Risk impacts could be assessed using the same metrics as in previous plant-specific and generic EISs, such as NUREG-0974, "Limerick 1 and 1 Operating License" and NUREG-1437. These metrics include population dose, early and latent fatalities, and economic costs. The metrics would be used to determine the acceptability of the proposed site at the ESP stage.

Letter from James E. Lyons, NRC, to Dr. Ronald L. Simard, NEI, re: Response to Letter on Early Site Permit Topic 12 (EP-12, NEPA Consideration of Severe Accident Issues at 2 (June 25, 2003) (hereinafter "Lyons II Letter"), attached as Exhibit 3.2-3.

Contrary to the guidance of the Lyons I Letter and the Lyons II Letter, the ER for the Grand Gulf site fails to justify the use of NUREG-1437 as a surrogate for a severe

accident analysis for the proposed new Grand Gulf reactor(s). Section 7.2.2, which purports to address the “Applicability of Existing Generic Severe Accident Studies,” makes only broad generalizations in support of the applicability of NUREG-1437, related to the characteristics of the site, whether regulatory controls can be assumed to work, and whether plant lifetime has an effect on risk. It is not possible to find any characterization of “the spectrum of credible releases from candidate future plant designs, in terms of representative source terms and their respective frequencies,” or the use of “release characteristics in conjunction with site-specific population and meteorology to determine site-specific risk impacts for the surrogate design.” *See* Lyons II Letter at 2. Nor does the ER show that SERI has developed “[r]elease characteristics . . . through a survey of severe accident analyses for previously certified ALWRs and/or operating reactors,” or assessed risk impacts “using the same metrics as in previous plant-specific and generic EISs, such as NUREG-0974, “Limerick 1 and 1 Operating License” and NUREG-1437.”¹⁷

The ER simply makes no attempt to analyze the potential for severe accidents with respect to any of the advanced designs proposed by SERI. There is no indication in the ER that the design information used for NUREG-1437 would be applicable to the advanced designs proposed by SERI, or that the behavior of those advanced reactors under severe accident conditions would be the same or similar. Accordingly, SERI’s severe accident analysis is fatally deficient.

¹⁷ In fact, Section 7.2.2 of the Grand Gulf ER appears to be a cookie-cutter discussion, as it duplicates, almost word-for-word, the discussion of severe accidents in Section 7.2.1 of the ER for the North Anna ESP application.

4. Emergency Planning Contentions

Contention 4.1: Emergency Planning Deficiencies

Contention: SERI's ESP application is inadequate because it fails fully to identify "physical characteristics unique to the proposed site, such as egress limitations from the area surrounding the site that could pose a significant impediment to the development of emergency plans." 10 C.F.R. § 52.17(b)(1). In particular, Part 4 of the ESP application, entitled "Emergency Planning Information," fails to identify the significant impediment to the development of emergency plans posed by the gross inadequacies in offsite emergency response facilities, including the Claiborne County Sheriff's Department, the Claiborne County Fire Department, and the Claiborne County Hospital.

Basis: NRC regulations at 10 C.F.R. § 52.17(b)(1) require that an ESP application:

must identify physical characteristics unique to the proposed site, such as egress limitations from the area surrounding the site, that could pose a significant impediment to the development of emergency plans.

Correspondingly, before approving an ESP application, the NRC must make a determination that "there is no significant impediment to the development of emergency plans." 10 C.F.R. § 52.19. In addition, in order to issue an ESP, the presiding officer must make a determination that:

a reactor, or reactors, having characteristics that fall within the parameters for the site can be constructed and operated without undue risk to the health and safety of the public.

10 C.F.R. § 52.21.

In Section 3.1.1.5 of Part 4 of the ESP, SERI asserts that Claiborne County and Tensas Parish in Louisiana are the local government jurisdictions within the proposed

new facility's plume exposure emergency planning zone, and that they have developed emergency plans. SERI also states that state and local government agencies have expressed "willingness to support development of emergency plans for the proposed new facility." *Id.*, § 3.1.1.

While local officials may be willing to develop emergency plans for the new reactors, it is clear that they lack sufficient resources to develop effective emergency plans. As discussed above in Contention 3.1, the Claiborne County Sheriff's Department, fire department, and hospital, have grossly insufficient resources and personnel to respond to a radiological emergency at Grand Gulf. *See* paragraph (e) of the basis of Contention 3.1, which is hereby adopted and incorporated by reference. SERI has failed to account for this significant impediment to the development of emergency plans. Under the circumstances, the ASLB has no basis for a finding that the proposed new reactor(s) can be operated without undue risk to the health and safety of the public, as required by 10 C.F.R. § 52.21.

III. CONCLUSION

For the foregoing reasons, the ASLB should admit Petitioners' contentions.

Respectfully submitted,



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May 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2004, copies of the foregoing CONTENTIONS OF 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 REGARDING EARLY SITE PERMIT APPLICATION FOR SITE OF GRAND GULF NUCLEAR POWER PLANT and NOTICE OF APPEARANCE for Janette Wipper were served on the following by e-mail and overnight or first-class mail:

<p>G. Paul Bollwerk, III, Chair Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission 11545 Rockville Pike Rockville, MD 20852 (E-mail: GPB@nrc.gov) Also by Federal Express 301/415-7393</p>	<p>Dr. Anthony J. Baratta Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission 11545 Rockville Pike Rockville, MD 20852 (E-mail: ajb5@nrc.gov) Also by Federal Express 301/415-7393</p>
<p>Dr. Paul B. Abramson Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission 11545 Rockville Pike Rockville, MD 20852 (E-mail: pba@nrc.gov) Also by Federal Express 301/415-7393</p>	<p>Office of the Secretary ATTN: Docketing and Service Mail Stop: 0-16C1 U.S. Nuclear Regulatory Commission 11545 Rockville Pike Rockville, MD 20852 (E-mail: HEARINGDOCKET@nrc.gov) Also by Federal Express 301/415-1675</p>
<p>Antonio Fernández, Esq. Tyson R. Smith, Esq. Office of General Counsel Mail Stop – O – 15 D21 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 Axf2@nrc.gov trs1@nrc.gov Also by Federal Express 301/415-8339</p>	<p>David A. Repka, Esq. Kathryn M. Sutton, Esq. Winston & Strawn LLP 1400 L Street Washington, DC 20005-3502 (E-mail: drepka@winston.com, ksutton@winston.com) Also by Federal Express 202/371-5726</p>
<p>Office of Commission Appellate Adjudication Mail Stop O-16 C1 U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Also by first-class mail</p>	<p>Michele Boyd Legislative Representative, Public Citizen 215 Pennsylvania Avenue, SE Washington, D.C. 20003 (E-mail: mboyd@citizen.org) Also by first-class mail</p>

<p>Paul Gunter Director, Reactor Watchdog Project Nuclear Information and Resource Service 1424 16th Street, N.W. #404 Washington, D.C. 20036 (E-mail: pgunter@nirs.org) Also by first-class mail</p>	<p>A. C. Garner National Association for the Advancement of Colored People Claiborne County, Mississippi Branch P.O. Box 121 113 Elm Street Port Gibson, Mississippi 39150 By first-class mail</p>
<p>Joseph Blount Entergy Nuclear 1340 Echelon Parkway Jackson, Mississippi 39213 By first-class mail</p>	<p>Becky Gillette Mississippi Chapter Sierra Club 34 Davis Bayou Circle Ocean Springs, MS 39564 bgillette@bellsouth.net Also by first-class mail</p>
<p>Janette Wipper, Esq. Office of the General Counsel National Association for the Advancement of Colored People 4805 Mt. Hope Drive Baltimore, MD 21215 (E-mail: JWipper@naacpnet.org) Also by first-class mail</p>	


 Diane Curran

May 3, 2004

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

In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI)

(Early Site Permit for Grand Gulf ESP Site)

**DECLARATION OF DAVID A. LOCHBAUM,
NUCLEAR SAFETY ENGINEER,
IN SUPPORT OF PETITIONERS' CONTENTIONS**

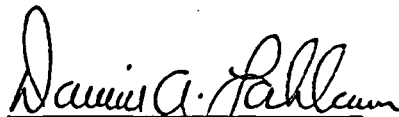
Under penalty of perjury, I, David A. Lochbaum, make the following declaration:

1. My name is David A. Lochbaum. I reside in the state of Maryland. I am employed by the Union of Concerned Scientists as its nuclear safety engineer. I have been so employed since October 1996. I have the following responsibilities: a) direct and coordinate UCS's nuclear safety program; b) monitor developments in nuclear industry to assess and respond to impact; c) serve as technical authority and spokesperson on nuclear issues; and d) initiate legal action to correct safety problems.
2. I am a graduate of the University of Tennessee with a bachelor of science in nuclear engineering. I have worked in the field of nuclear engineering since June of 1979. My seventeen years of employment experience in the nuclear industry are described in more detail in my resume, which is attached as Exhibit A to this declaration. I am qualified by training and experience to evaluate nuclear power plant designs and their interactions.
3. I have reviewed portions of System Energy Resources, Inc.'s ("SERI's") Early Site Permit Application for two new reactors on the site of the Grand Gulf nuclear power plant. I am also generally familiar with most of the advanced reactor designs that SERI is considering for the Grand Gulf site. In addition, I am familiar with the U.S. Nuclear Regulatory Commission's ("NRC's") regulations and regulatory practice.

4. I participated in the preparation of Petitioners' contentions regarding the inadequacy of SERI's safety assessment and environmental report to consider the interaction between the design of the existing Grand Gulf reactor and the proposed reactor(s).

5. The technical factual assertions in those contentions are true and correct to the best of my knowledge, and all expressions of technical opinion therein are based on my best professional judgment.

Executed May 3, 2004


David A. Lochbaum

David A. Lochbaum

Experience Summary

10/96 to date *Nuclear Safety Engineer, Union of Concerned Scientists*

Responsible for directing UCS's nuclear safety program, for monitoring developments in the nuclear industry, for serving as the organization's spokesperson on nuclear safety issues, and for initiating action to correct safety concerns.

11/87 to 09/96 *Senior Consultant, Enercon Services, Inc.*

Responsible for developing the conceptual design package for the alternate decay heat removal system, for closing out partially implemented modifications, reducing the backlog of engineering items, and providing training on design and licensing bases issues at the Perry Nuclear Power Plant.

Responsible for developing a topical report on the station blackout licensing bases for the Connecticut Yankee plant.

Responsible for vertical slice assessment of the spent fuel pit cooling system and for confirmation of licensing commitment implementation at the Salem Generating Station.

Responsible for developing the primary containment isolation devices design basis document, reviewing the emergency diesel generators design basis document, resolving design document open items, and updating design basis documents for the James A. FitzPatrick Nuclear Power Plant.

Responsible for the design review of balance of plant systems and generating engineering calculations to support the Power Uprate Program for the Susquehanna Steam Electric Station.

Responsible for developing the reactor engineer training program, revising reactor engineering technical and surveillance procedures and providing power maneuvering recommendations at the Hope Creek Generating Station.

Responsible for supporting the lead BWR/6 Technical Specification Improvement Program and preparing licensing submittals for the Grand Gulf Nuclear Station.

03/87 to 08/87 *System Engineer, General Technical Services*

Responsible for reviewing the design of the condensate, feedwater and raw service systems for safe shutdown and restart capabilities for the Browns Ferry Nuclear Plant.

08/83 to 02/87 *Senior Engineer, Enercon Services, Inc.*

Responsible for performing startup and surveillance testing, developing core monitoring software, developing the reactor engineer training program, and supervising the reactor engineers and Shift Technical Advisors at the Grand Gulf Nuclear Station.

David A. Lochbaum

Experience Summary (continued)

10/81 to 08/83 *Reactor Engineer / Shift Technical Advisor, Tennessee Valley Authority*

Responsible for performing core management functions, administering the nuclear engineer training program, maintaining ASME Section XI program for the core spray and CRD systems, and covering STA shifts at the Browns Ferry Nuclear Plant.

06/81 to 10/81 *BWR Instructor, General Electric Company*

Responsible for developing administrative procedures for the Independent Safety Engineering Group (ISEG) at the Grand Gulf Nuclear Station.

01/80 to 06/81 *Reactor Engineer / Shift Technical Advisor, Tennessee Valley Authority*

Responsible for directing refueling floor activities, performing core management functions, maintaining ASME Section XI program for the RHR system, providing power maneuvering recommendations and covering STA shifts at the Browns Ferry Nuclear Plant.

06/79 to 12/79 *Junior Engineer, Georgia Power Company*

Responsible for completing pre-operational testing of the radwaste solidification systems and developing design change packages for modifications to the liquid radwaste systems at the Edwin I. Hatch Nuclear Plant.

Education

June 1979 Bachelor of Science in Nuclear Engineering, The University of Tennessee at Knoxville

May 1980 Certification, Interim Shift Technical Advisor, TVA Browns Ferry Nuclear Plant

April 1982 Certification, Shift Technical Advisor, TVA Browns Ferry Nuclear Plant

Professional Affiliations

Member, American Nuclear Society (since 1978).

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U.S. Intelligence Official: Qaeda Posed Plane Threat

By REUTERS

Published: February 17, 2004

Filed at 3:26 p.m. ET

WASHINGTON (Reuters) - Al Qaeda has deployed operatives to hijack planes and fly them into targets in an echo of the Sept. 11 attacks and is looking at derailing trains possibly carrying hazardous material, according to a top U.S. intelligence official.

Robert Hutchings, chairman of the National Intelligence Council which reports to the CIA director, did not give details of the plots but provided the most recent public outline from an intelligence official of the al Qaeda threat.

The network, blamed for the Sept 11, 2001, attacks that killed 3,000 people, seeks targets that would strike a blow to the U.S. economy, Hutchings said in a Jan. 14 speech to the International Security Management Association in Arizona, the text of which was posted on Feb. 4 on the NIC's Web site.

"Soft targets, including the U.S. stock market, banks, major companies, and tall buildings are a primary focus of active al Qaeda planning," he said.

Those targets are seen as easier to hit than U.S. government buildings and major infrastructure, which have higher security, Hutchings said.

Al Qaeda has looked at derailing trains, perhaps carrying hazardous materials, to attack U.S. interests, he said.

Nuclear power plants, water treatment facilities, and other public utilities are high on al

REUTERS

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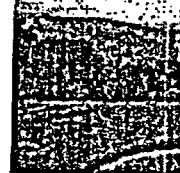
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Qaeda's target list, he said.

The U.S. government is concerned that al Qaeda will try to take its ability to build truck bombs as demonstrated by past attacks in Kenya, Saudi Arabia, and Turkey, and marry it with toxic or radioactive material to increase the damage and psychological impact of an attack, Hutchings said.

"My biggest worry, however, is how far al Qaeda might have progressed in being able to deploy a chemical, nuclear, or biological weapon against the United States or its allies," he said.

U.S. authorities have found several examples of al Qaeda adjusting its tactics to circumvent increased airline security, Hutchings said, without providing details.

"Although we have disrupted several airline plots, we have not eliminated the threat to airplanes," he said. "There are still al Qaeda operatives who we believe have been deployed to hijack planes and fly them into key targets."

The United States has beefed up security at airports and on airlines. There were a spate of flight cancellations since late December because of potential threats.

U.S. authorities have succeeded in disrupting the network, Hutchings said. "We have disrupted scores of plots at home and abroad -- plots that were audacious in terms of the numbers of attacks under consideration and their global scope," he said.

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Evaluation of External Hazards to Nuclear Power Plants in the United States

Manuscript Completed: October 1987
Date Published: December 1987

Prepared by
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Lawrence Livermore National Laboratory
7000 East Avenue
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Prepared for
Division of Reactor and Plant Systems
Office of Nuclear Regulatory Research
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
NRC FIN No. A0448 Task 8
NRC FIN No. A0815 Task 1

* Future Resources Associates, Inc.
2000 Center St., Suite 418
Berkeley, CA 94704

Table 6.4.2

Probability of Penetration as a Function of
Plant Location and Concrete Thickness [Ref. 6.4.10]

Plant Location	Aircraft Type	Probability of Penetration Thickness of Reinforced Concrete			
		1 foot	1.5 feet	2 feet	6 feet
<= 5 miles from airport	Small, <= 12,500 lbs.	0.003	0	0	0
	Large, < 12,500 lbs.	0.96	0.52	0.28	0
>= 5 miles from airport	Small, <= 12,500 lbs.	0.28	0.06	0.01	0
	Large, > 12,500 lbs.	1.0	1.0	0.84	0.32

< = defined as less than or equal to.

> = defined as greater than or equal to.

The Washington Post

<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A48190-2001Oct24¬Found=true>

Nuclear Plants' Vulnerability Raised Attack Concerns 1982 Report on Danger of Jet Crashes Into Reactors Was Open to Public, Despite Terrorism Fears

By Peter Behr
Washington Post Staff Writer
Thursday, October 25, 2001; Page A04

A government study indicating that a direct, high-speed hit by a commercial jetliner could penetrate a nuclear reactor's protective dome was available to the public for nearly 20 years until it was removed after the Sept. 11 terrorist attacks, regulators confirmed yesterday.

The document remained public even though there have been warnings going back to 1995 that terrorists had included nuclear power plants among their potential targets, based on testimony in the investigation of the 1993 World Trade Center bombing.

A spokesman for the Nuclear Regulatory Commission said the agency would not discuss the contents of the report or its potential value to terrorists.

The study, by the Energy Department's Argonne National Laboratory, was prepared to assess the risks of an accidental airliner crash at a power plant.

It calculated the impact of objects as large as a commercial aircraft, traveling at various speeds, on the reinforced concrete containment dome protecting the reactor core of a common power-plant design. The study concluded that the dome would be penetrated at the highest flight speeds, according to the D.C.-based National Whistleblower Center, which provides legal representation for nuclear plant workers in whistle-blower lawsuits.

The ignition of a small percentage of an aircraft's jet fuel inside the containment dome would have the force of a 1,000 pounds of explosives and "could lead to a rather violent explosion environment and impose upon the primary containment relatively severe loads," according to the report.

"Based on the review of past [NRC] licensing experience, it appears that fire and explosion hazards have been treated with much less care than the direct aircraft impact and the resulting structural response," the study said.

"Therefore, the claim that these fire/explosion effects do not represent a threat to nuclear power plant facilities has not been clearly demonstrated."

The Whistleblower Center included excerpts of the report in a letter yesterday to Tom Ridge, head of the Office of Homeland Security.

The center also filed a petition with the NRC yesterday calling for further security measures to protect against an attack on nuclear power plants and a widespread release of radiation that could result if the reactor containment dome and core were destroyed.

At least one nuclear plant -- the Three Mile Island facility south of Harrisburg, Pa. -- was designed to withstand the impact of a Boeing 707, industry officials note.

But none of the nation's 103 nuclear power plants was built to withstand the direct, full-speed impact by today's commercial jetliners, NRC officials say.

Another advocacy organization, the Nuclear Control Institute, said its analysis shows that a reactor containment vessel could be penetrated by a jetliner's direct hit.

Nuclear industry officials have emphasized the strength of the reactor containment domes and the difficulty in steering a high-speed jetliner into a dome in the most damaging way. "I think there's a high likelihood that that aircraft would not penetrate the containment," Ralph Beedle, senior vice president of the Nuclear Energy Institute, said in an Oct. 14 television interview.

The 1982 study was mentioned in a Sept. 24 report by the publication *Platts Inside NRC*.

The Whistleblower Center said it found the document in the NRC's Bethesda public reading room on Oct. 2. "We asked a volunteer to look around the public reading room and see what was there on airplane crashes. And there it was," said Michael Kohn, the organization's general counsel.

NRC spokesman Victor Dricks said the NRC staff also found the study during a review of its public records following the Sept. 11 attacks and removed it on Oct. 11. He said he did not know whether it had ever been available over the NRC's public Internet documents service, but it is not on the agency's Web site now.

The risk of a terrorist attack in a hijacked aircraft has not been part of the NRC's safety regulation, officials confirm. "We never considered that a credible threat prior to September 11," Dricks said.

**Technical Study of Spent Fuel Pool Accident Risk
at Decommissioning Nuclear Power Plants**

October 2000

3.5.2 Aircraft Crashes

The staff evaluated the likelihood that an aircraft crashing into a nuclear power plant site would seriously damage the spent fuel pool or its support systems (details are in Appendix 2D). The generic data provided in DOE-STD-3014-96 (Ref. 6) was used to assess the likelihood of an aircraft crash into or near a decommissioning spent fuel pool. Aircraft damage can affect the structural integrity of the spent fuel pool or the availability of nearby support systems, such as power supplies, heat exchangers, or water makeup sources, and may also affect recovery actions. There are two approaches to evaluating the likelihood of an aircraft crash into a structure. The first is the point target model, which uses the area (length times width) of the target to determine the likelihood that an aircraft will strike the target. The aircraft itself does not have real dimensions in this model. In the second approach, the DOE model modifies the point target approach to account for the wing span and the skidding of the aircraft after it hits the ground by including the additional area the aircraft could cover. The DOE model also takes into account the plane's glide path by introducing the height of the structure into the equation, which effectively increases the area of the target.

In estimating the frequency of catastrophic PWR spent fuel pool damage from an aircraft crash (i.e., the pool is so damaged that it rapidly drains and cannot be refilled from either onsite or offsite resources), the staff uses the point target area model and assumes a direct hit on a 100 x 50 foot spent fuel pool. Based on studies in NUREG/CR-5042, "Evaluation of External Hazards to Nuclear Power Plants in the United States," it is estimated that 1 of 2 aircraft are large enough to penetrate a 5-foot-thick reinforced concrete wall. The conditional probability that a large aircraft crash will penetrate a 5-foot-thick reinforced concrete wall is taken as 0.45 (interpolated from NUREG/CR-5042). It is further estimated that 1 of 2 crashes damage the spent fuel pool enough to uncover the stored fuel (for example, 50 percent of the time the location of the damage is above the height of the stored fuel). The estimated range of catastrophic damage to the spent fuel pool resulting in uncover of the spent fuel is 1.3×10^{-11} to 6.0×10^{-8} per year. The mean value is estimated to be 4.1×10^{-9} per year. The frequency of catastrophic BWR spent fuel pool damage resulting from a direct hit by a large aircraft is estimated to be the same as for a PWR. Mark-I and Mark-II secondary containments generally do not appear to have any significant structures that might reduce the likelihood of aircraft penetration, although a crash into 1 of 4 sides of a BWR secondary containment may be less likely to penetrate because other structures are in the way of the aircraft. Mark-III secondary containments may reduce the likelihood of penetration somewhat, since the spent fuel pool may be protected on one side by additional structures. If instead of a direct hit, the aircraft skids into the pool or a wing clips the pool, catastrophic damage may not occur. The staff estimates that skidding aircraft are negligible contributors to the frequency of fuel uncover resulting from catastrophic damage to the pool because skidding decreases the impact velocity. The estimated frequencies of aircraft-induced catastrophic spent fuel pool failure are bounded by other initiators.

The staff estimated the frequency of significant damage to spent fuel pool support systems (e.g., power supply, heat exchanger, makeup water supply) for three different situations. The first case is based on the DOE model including the glide path and the wing and skid area and assumes a structure 400 x 200 x 30 feet (i.e., the large building housing the support systems) with a conditional probability of 0.01 that one of these systems is hit (the critical system

May 3, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

Docket No. 52-008

Dominion Nuclear North Anna, LLC

(Early Site Permit for North Anna ESP Site)

DECLARATION OF PAUL V. GUNTER

Under penalty of perjury, I, Paul V. Gunter, make the following declaration:

1. My name is Paul V. Gunter. I am director of the Reactor Watchdog Project at the Nuclear Information and Resource Service ("NIRS"). I have worked in that position since 1991.
2. My responsibilities as director of the Reactor Watchdog Project include monitoring NRC meetings and correspondence regarding safety and environmental issues affecting nuclear power plants.
3. On May 9, 2002, I attended a meeting at the headquarters of the U.S. Nuclear Regulatory Commission ("NRC"), regarding design certification of the AP 1000 advanced reactor design. I asked a member of the NRC Staff what was the thickness of the containment of the proposed AP 1000 design. He informed me that the thickness was 3 feet. To my knowledge, this information is not written in commonly available documents regarding the AP 1000 design.



Paul V. Gunter

May 3, 2004

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Edward Teller to Sterling Cole, July 23 1953

The Honorable Sterling Cole
Chairman
Joint Committee on Atomic Energy
The Congress of the United States
Washington, D. C.

Dear Sir:

In response to your invitation to make a statement in connection with the development of atomic energy by private enterprise, I should like to discuss two topics concerning which I have some specific experience. These are the safety of nuclear reactors and the connection between power production and military application.

Briefly, my opinion can be stated as follows. First, nuclear power-producing units will be dangerous instruments and careful thought will have to be given to their safe construction and operation and, second, there is a great and increasing need for fissionable materials in the military field.

I should like to recommend:

First, that an advisory committee should be set up to review planned reactors and supervise functioning reactors under the control of private enterprise. Instead of setting up a new committee, the present Advisory Committee on Reactor Safeguards of the Atomic Energy Commission might serve this purpose, and Second, that the Government stimulate power production by private enterprise by guaranteeing to buy militarily useful by-products at a pre-determined price and in limited but large quantities for a period of five or ten years.

Safety of Nuclear Reactors

For the past six years I have served as the Chairman of the Reactor Safeguard Committee. Recently, this committee and the Industrial Committee on Reactor Location problems have been merged into the Advisory Committee on Reactor Safeguards, and I am participating in the work of this new committee.

Up to the present time we have been extremely fortunate in that accidents in nuclear reactors have not caused any fatalities. With expanding applications of nuclear reactions and nuclear power, it can not be expected that this unbroken record will be maintained. It must be realized that this good record was achieved to a considerable extent because of safety measures which have necessarily retarded development.

The main factors which influence reactor safety are, in my opinion, reasonably well understood. There have been in the past years a few minor incidents, all of which have been caused by neglect of clearly formulated safety rules. Such occasional accidents can not be avoided. It is rather remarkable that they have occurred in such a small number of instances. I want to emphasize in particular that the operation of nuclear reactors is not mysterious and that the irregularities are no more unexpected than accidents which happen on account of disregard of traffic regulations.

In the popular opinion, the main danger of a nuclear pile is due to the possibility that it may explode. It should be pointed out, however, that such an explosion, although possible, is likely to be harmful only in the immediate surroundings and will probably be limited in its destructive effects to the operators. A much greater public hazard is due to the fact that nuclear plants contain radioactive poisons. In a nuclear accident, these poisons may be liberated into the atmosphere or into the water supply. In fact, the radioactive poisons produced in a powerful nuclear reactor will retain a dangerous concentration even after they have been carried downwind to a distance of ten miles. Some danger might possibly persist to distances as great as 100 miles. It would seem appropriate that Federal regulations

should apply to a hazard which is not confined by state boundaries. The various committees dealing with reactor safety have come to the conclusion that none of the powerful reactors built or suggested up to the present time are absolutely safe. Though the possibility of an accident seems small, a release of the active products in a city or densely populated area would lead to disastrous results. It has been therefore the practice of these committees to recommend the observance of exclusion distances, that is, to exclude the public from areas around reactors, the size of the area varying in appropriate manner with the amount of radioactive poison that the reactor might release. Rigid enforcement of such exclusion distances might hamper future development of reactors to an unreasonable extent. In particular, the danger that a reactor might malfunction and release its radioactive poison differs for different kinds of reactors. It is my opinion that reactors of sufficiently safe types might be developed in the near future. Apart from the basic construction of the reactor, underground location or particularly thought-fully constructed safety devices might be considered.

It is clear that no legislation will be able to stop future accidents and avoid completely occasional loss of life. It is my opinion that the unavoidable danger which will remain after all reasonable controls have been employed must not stand in the way of rapid development of nuclear power. It also would seem that proper legislation at the present time might make provisions for safe construction and safe operation of nuclear reactors. In case an accident should occur which involved the lives of many people, pressure for such legislation would become overwhelming. Proper steps taken at the present time could reasonably prepare for accidents and minimize the suffering that is caused, when and if they should occur.

It would seem reasonable to extend the Atomic Energy Commission procedures on reviewing planned reactors and supervising functioning reactors to nuclear plants under the control of private enterprise. To what extent these functions should be advisory or regulatory is a difficult question. I feel that ultimate responsibility for safe operation will have to be placed on the shoulders of the men and the organization most closely connected with the construction and the operation of the reactor.

Power Production and Military Application

The first and best known military application of atomic energy was connected with strategic bombing. In the popular mind, such strategic bombing has been identified with the destruction of cities. The belief is widely held that a relatively limited number of atomic bombs can not only cause terrifying destruction but would produce saturation, that is, only a limited number of atomic bombs would be needed. It is my conviction that this opinion is based on a misconception and that indeed a great stockpile of fissionable material could be usefully applied in warfare. Furthermore, it seems to me that a more general use of fission weapons will not result necessarily in a more thorough destruction of cities but might rather be used against military targets of the more conventional type. It seems to me therefore that a less expensive source of fissionable materials would be desirable. Such a less expensive source could be obtained if atomic reactors were constructed for the dual purpose of providing power and producing fissionable materials.

Strategic targets include industrial plants and military installations far behind the enemy's lines. Depending on the vulnerability of these targets and on their contribution to the enemy's war effort, one may well be justified in using atomic bombs against these targets. The size of the target need not be decisive and the number of such targets may be quite appreciable.

The possible tactical targets are even more numerous. Any concentration of fighting forces or of material near the fighting lines constitutes tactical targets. Strongly defended positions might be attacked by atomic bombs. Atomic weapons could be used against beachheads or against enemy forces attempting to cross a natural obstacle. Conversely, atomic weapons could be employed to prepare a landing on a beachhead or the attack of a parachute force. The vulnerability of naval vessels to atomic bombs has been demonstrated in the Bikini tests. Vehicles less expensive than naval units may present atomic bomb targets, particularly if the cost of the bomb is lower than the cost of the vehicle which one attempts to destroy. An enemy bomber or even an enemy fighter plane might be considered as a possible target for an atomic bomb.

It might seem extravagant to use atom bombs for all these different types of targets. The question of extravagance or of sound economy must be considered, however, in connection with the ease of delivery, with the expense of delivery and with the expense of the fissionable materials. I can think of no exception to the rule that the cost of delivery will be less if one produces a certain damage by atomic weapons rather than by more conventional means. It is therefore the cost of fissionable materials which will decide how extensively one can use atomic weapons in warfare. The more the cost of atomic weapons can be reduced, the greater will be the number of applications where relatively cheap delivery systems can replace the much more expensive conventional methods. Increase in our

stockpile of fissionable materials may therefore reduce the military expenditure without reducing military potential.

It seems to be doubtful whether, on the basis of present technology, atomic energy can produce power in an economically profitable manner. Power production can, however, be conducted in such a manner as to produce militarily useful materials. It would seem to me reasonable to stimulate the construction of power-producing reactors by guaranteeing a price at which the Government will buy the militarily useful by-products. This price should of course be set lower than the price at which the Atomic Energy Commission is producing fissionable materials at the present time. It probably will be necessary to set a limit to the amount of fissionable material which the Government is prepared to purchase and also to set a limit to the time during which such purchases will be made at the fixed price. Nevertheless, it seems probable that if a fair price is guaranteed for a period like five or ten years, this will be an effective stimulant to the nation's atomic power industry. This industry is likely to become a factor in national defense which may not be second even to the steel or aircraft industries.

The above contains the substance of the testimony which I have prepared for the joint Congressional Committee. I should like to express my very great regret that at the date set for the hearing it was completely impossible for me to leave Livermore. It would be a great pleasure to appear before the joint Congressional Committee at any time to amplify the above statements or else to help in any other way that you can think of.

Yours very truly,
Edward Teller

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EXHIBIT 3.1-1

May 2, 2004

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

In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI)


(Early Site Permit for Grand Gulf ESP Site)

**DECLARATION OF ROBERT D. BULLARD, Ph.D.,
IN SUPPORT OF PETITIONERS'
ENVIRONMENTAL JUSTICE CONTENTION**

Under penalty of perjury, I, Dr. Robert D. Bullard, make the following declaration:

1. My name is Robert D. Bullard. I am the Director of the Environmental Justice Resource Center at Clark Atlanta University in Atlanta, Georgia. I am also the Ware Distinguished Professor of Sociology at Clark Atlanta University ("CAU"). A copy of my curriculum vitae is attached as Exhibit A to this declaration.
2. I have worked on and conducted research in the areas of urban land use, housing, community development, industrial facility siting, and environmental quality for more than 25 years. I am the author of numerous articles, monographs, scholarly papers, and books that address equity concerns. My scholarship and activities have made me one of the leading experts on environmental justice.
3. I have reviewed portions of Systems Energy Resources, Inc.'s ("SER's") application for an early site permit for up to two new reactors at the site of the Grand Gulf nuclear power plant, including the Environmental Report.
4. I participated in the preparation of Petitioners' contention regarding the inadequacy of SERI's Environmental Report to consider the disparate adverse environmental impacts of the proposed reactor(s) on the minority and low-income community of Claiborne County, Mississippi.

5. The factual assertions in those contentions are true and correct to the best of my knowledge, and all expressions of opinion therein are based on my best professional judgment.

A handwritten signature in black ink, appearing to read "Robert D. Bullard", with a stylized flourish at the end.

Robert D. Bullard, Ph.D

May 2, 2004

ROBERT D. BULLARD, Ph.D.
817 Vinings Parkway
Smyrna, GA 30080
Office: (404) 880-6920 FAX: (404) 880-6909
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EDUCATION:

B.S. - Alabama A&M University (Government, 1968)

M.A. - Atlanta University (Sociology, 1972)

Ph.D. - Iowa State University (Sociology, 1976)

SPECIALTY AREAS:

Environmental Justice, Land Use, Transportation Equity, Suburban Sprawl, Housing, Minority Health

PRESENT RANK AND EXPERIENCE:

Ware Distinguished Professor of Sociology and Director of the Environmental Justice Resource Center, Clark Atlanta University (1994 - Present)

Visiting Professor & Director of Research, Center for African American Studies, University of California, Los Angeles (1993-1994)

Professor, University of California, Riverside (1990- 1994), Associate Professor, University of California, Riverside, (1989-1990)

Associate Professor/Visiting Scholar, University of California, Berkeley (1988-1989)

Associate Professor - University of Tennessee (1987-1988)

Associate Professor - Texas Southern University (1980-1987)

Visiting Associate Professor - Rice University (Spring, 1980)

Assistant Professor - Texas Southern University (1976-1980)

Director of Research - Urban Research Center, Texas Southern University (1976-1978)

Research Coordinator - Polk County, Des Moines, Iowa (1975-1976)

Administrative Assistant - Office of Minority Affairs, Iowa State University (1974-1975)

Urban Planner - City of Des Moines, Iowa (1971-1974)

PROFESSIONAL AFFILIATIONS:

American Sociological Association

Association of Black Sociologists

MILITARY:

United States Marine Corps (USMC), Honorable Discharge (1968-1970)

LECTURES AND PRESENTATIONS (1990-PRESENT):

Bullard, R.D. "Environmental Blackmail and the Black Community." National Conference on Toxics and Race, University of Michigan, Ann Arbor, MI (January, 1990).

Bullard, R.D. "Toxics, Environmental Justice, and Earth Day 1990." National Rainbow Coalition/Earth Day 90 Toxics Conference, Atlanta, GA (March, 1990).

Bullard, R.D. "Race and Class in the Urban South: Resolving the Unfinished Agenda in the 1990s." Association of Social and Behavioral Scientists, Tallahassee, FL (March, 1990).

Bullard, R.D. "Minority Environmental Problems and the Media." Scientists' Institute for Public Information Conference on Environmental Reporting, Case Western University, Cleveland, OH, (March, 1990).

Bullard, R.D. "Environmental Dumping: Houston as Microcosm." The Other Economic Summit (TOES), Houston, TX (July, 1990).

Bullard, R.D. "African Americans and Environmental Sciences: Research, Policy, and Networking." National Conference on Blacks in Science, Wake Forest University, Winston-Salem, NC (July, 1990).

Bullard, R.D. "African Americans and the New South: The Illusion of Inclusion." American Sociological Association, Washington, DC (August, 1990).

Bullard, R.D. "Toxics and Minority Communities," Scientists' Institute for Policy Information Conference on Environmental Reporting, Rutgers University, New Brunswick, NJ (November, 1990).

Bullard, R.D. "Use of Demographic Data to Evaluate Minority Environmental Health Issues," National Minority Environmental Health Conference, Agency for Toxic Substances and Disease Registry, Atlanta, GA (December, 1990).

Bullard, R.D. "Race, Class, and the Environment," National Association for Science, Technology, and Society, Alexandria, VA (February, 1991).

Bullard, R.D. "Building Equity into Interstate and Intrastate Waste Facility Siting Strategies," The Keystone Center Conference on Interstate Transport of Municipal and Hazardous Waste, Annapolis, MD (May, 1991).

Bullard, R.D. "Environmental Justice for All," National Wildlife Federation Scholar in Residence Symposium, Washington, DC (August, 1991).

Bullard, R.D. "Organizing against Environmental Racism," American Sociological Association Annual Meeting, Cincinnati, OH (August, 1991).

Bullard, R.D. "Environmental Inequities, Disproportionate Impact and Discrimination," California State Bar Association Annual Meeting, Anaheim, CA (September 1991).

Bullard, R.D. "Science, Technology, and Environmental Inequities," Rensselaer Polytechnic Institute Conference on the Greening of Technology and Environmental Reporting, Troy, NY (September, 1991).

Bullard, R.D. "Historical Roots of the Environmental Justice Movement: An African American Perspective," The First National People of Color Environmental Leadership Summit, Washington, DC (October, 1991).

Bullard, R.D. "Environmental Health Issues in the African American Community," African American Health Agenda Conference, NAACP Legal Defense Fund and Johns Hopkins University School of Hygiene and Public Health, Baltimore, MD (November, 1991).

Bullard, R.D. "Environmental Equity vs. Environmental Justice." Environmental Justice Forum, University of Virginia, Charlottesville, VA (February, 1992).

Bullard, R.D. "Lead and Environmental Equity in Minority Communities." Testimony presented at the U.S. House of Representatives Energy and Environment Subcommittee Hearing, Washington, DC (February, 1992).

Bullard, R.D. "Environmental Racism and the Toxic Threat." American Association for the Advancement of Science Annual Meeting, Chicago (February, 1992).

Bullard, R.D. "Race and Environmental Justice in the United States." Earth Rights and Responsibilities Conference, Yale Law School, New Haven, CT (April, 1992).

Bullard, R.D. "Endangered Communities: A Framework for Addressing Environmental Inequities." Friends of the Earth Groundwater Contamination Conference, Memphis, TN (April, 1992).

Bullard, R.D. "Environmental Racism and the Law." American Bar Association Workshop on Environmental Justice/Equity/Racism, Williamsburg, VA (May, 1992).

Bullard, R.D. "Dispute Resolution and Environmental Conflict in Communities of Color." Law & Society Annual Meeting, Philadelphia (May, 1992).

Bullard, R.D. "The Struggle for Environmental and Economic Justice: The U.S. Experience." Earth Summit, Global Forum, Rio de Janeiro, Brazil (June, 1992).

Bullard, R.D. and B.H. Wright, "Science, Public Policy and Environmental Justice." Society for the Social Studies of Science Annual Conference, Gothenberg, Sweden (August, 1992).

Bullard, R.D. and B.H. Wright, "Environmental Justice for All: Community Perspectives on Health and Research Needs." An Environmental Justice Conference sponsored by the U.S. EPA, Agency for Toxic Substances and Disease Registry, and National Institute for Environmental Health Sciences, Research Triangle Park, NC (August, 1992).

Bullard, R.D. "The Environmental Justice Framework: A Strategy for Addressing Unequal Protection." Resources for the Future Conference on Risk Management, Annapolis, MD, (November, 1992).

Bullard, R.D. "Environmental Inequality and the Law." Keynote Address at the New England Environmental Law Society, Harvard Law School, Cambridge, MA (November, 1992).

Bullard, R.D. "Race, Class, and Environmental Justice," Paper presented at the Annual Meeting of the American Association for the Advancement of Science, Boston, (February, 1993).

Bullard, R.D. "Transportation and Environmental Justice," Paper presented at the Transportation Research Board Annual Conference, Washington, DC (January, 1996).

R.D. Bullard, "Healthy and Sustainable Communities," Paper presented at the American Public Health Association Annual Conference, New York, NY (1996).

Bullard, R.D. "Childhood Asthma and Children of Color," Paper presented at the Children's Environmental Health Network Conference, Washington, DC (February, 1997).

Bullard, R.D. "Strategies to Promote Healthy and Sustainable Communities," Paper presented at the Ford Foundation Sustainable Communities in the Metropolis Conference, Portland, OR (July, 1997).

Bullard, R.D. "Environmental Justice and Brownfields Redevelopment," Paper presented at the Brownfields '97 Conference, Kansas City, MO (August, 1997).

Bullard, R.D. "Environmental Justice Challenges at Home and Abroad," Paper presented at International Academic Environmental Justice Conference: Global Ethics for the 21st Century, Melbourne, Australia (October, 1997).

Bullard, Robert D., "Environmental Justice at Home and Abroad," Paper presented at the Global Ethics Conference, University of Melbourne, Australia, (October 1-3, 1997).

Bullard, Robert D., "Race and the Environment," Paper presented at the Annual Meeting of the Southern Sociological Society, Atlanta, GA (April, 1998)

Bullard, Robert D., "Environmental and Economic Justice for All," Paper presented at the Annual Meeting of the American Sociological Society, San Francisco, CA (August 1998)

Bullard, Robert D., "The Costs and Consequences of Suburban Sprawl," Annual Meeting of the American Sociological Society, Chicago, IL (August 1999)

Bullard, Robert D., "Environmental threats to Black Health," Paper presented at the Annual meeting of the National Medical Association, Las Vegas, NV (August, 1999).

Bullard, Robert D., "Building Healthy and Sustainable Communities," Paper presented at the Annual meeting of Blacks in Government, New Orleans, LA (August, 1999).

Bullard, Robert D., "Sprawl Atlanta: Social Equity Dimensions of Unequal Growth," Paper presented at the Georgia Red Clay Conference, University of Georgia Law School, Athens, GA (April, 2000).

Bullard, Robert D., "The Consequences of Suburban Sprawl: Lessons from Atlanta," Paper presented at the Governor's Summit on Sprawl and Smart Growth, Spartanburg, South Carolina (March, 2000).

Bullard, Robert D., "Sprawl Atlanta: Social Equity Dimensions of Unequal Growth," Paper presented at the Georgia Red Clay Conference, University of Georgia Law School, Athens, GA (April, 2000).

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Bullard, Robert D., "Global Environmental Racism," Paper presented at the International Colloquium on Environmental Justice, Work, and Citizenship, Univeridade Federal Fluminense, Rio de Janeiro, September 24-28, 2001.

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Conservation Achievement Award in Science, National Wildlife Federation, Washington, DC.

Environmental Achievement Award (1990), CEIP Fund, Inc., Boston, MA.

Environmental Justice Award (1993), Citizens Clearinghouse for Hazardous Waste, Falls Church, VA.

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Class and Environmental Quality.

Distinguished Service Award (1998), American Sociological Association, Environment and Technology Section, Washington, DC.

Excellence in Diversity and Environmental Stewardship Award (2000), Environmental Careers Organization, Boston, MA.

BOARDS AND PANELS (1990-PRESENT):

Member of Editorial Board, *Science Communication*, (1991-Present).

Member of Editorial Board, *E: The Environmental Magazine* (1992-Present).

Member of "Michigan Group" Ad Hoc Committee, Work Group on Environmental Equity, U.S. Environmental Protection Agency, Washington, DC (1990-1994).

Member of Planning Committee, National People of Color Environmental Leadership Summit, Commission for Racial Justice, New York, NY (1990-1992).

Member of Board of Directors, Alliance to End Childhood Lead Poisoning, Washington, DC (1991-1997).

Member of AAAS Minority Scholars Task Force on Ethics and Values in Science and Technology, Washington, DC (1991-1992).

Member, Ethnic Community Advisory Council, South Coast Air Quality Management District (SCAQMD), Diamond Bar, CA (1992-1994).

Member of Board of Directors, Pesticide Education Center, San Francisco, CA (1992-1994).

Member of Statewide Community Advisory Committee (SCAC) for the California Environmental Protection Agency (CALEPA) Comparative Risk Project (1993-1994).

Member of Editorial Board, *FORUM for Applied Research and Public Policy*, University of Tennessee, Knoxville, (1993-Present).

Member of Editorial Board, *Projections: MIT Journal of Planning* (for special issue on environmental justice), MIT (2001).

Member of the National Institute for Environmental Health Sciences (NIEHS) Planning/Protocol Committee for the federal interagency "Symposium on Health Research and Needs to Ensure Environmental Justice" held in Arlington, VA, February 10-12, 1994 (1993-1994).

Member of the American Association for the Advancement of Science (AAAS) Committee on Opportunities in Science (COOS). Washington, DC (1993-1996).

Member of National Research Council Evaluation Panel in Social Sciences for the Ford Foundation Predoctoral Fellowships for Minorities Program. Washington, DC, (1993-1995).

Member of National Environmental Justice Advisory Council (NEJAC), U.S. EPA, Chair of Subcommittee on Health and Research, Washington, DC (1994 - 1996).

Member of National Advisory Council for Environmental Policy and Technology, Title VI Implementation Advisory Council, U.S. EPA, Washington, DC (1998 - 1999).

GRANTS AND CONTRACTS (1994-PRESENT):

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National Conference on Transportation and Environmental Justice, U.S. Department of Transportation, Washington, DC (1995), \$91,000.

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Transportation Equity and Urban Sprawl, Turner Foundation, Atlanta, GA (1999-2001), \$500,000; Ford Foundation (\$300,000); Surdna Foundation (1999-2001) \$160,000.

A Little Taste of Freedom:
The African American Freedom Struggle
in Claiborne County, Mississippi

Emilye Crosby

Aug. 2003

For Kathy and Jean Louise

Preface

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Abbreviations

Endnotes

Bibliography

Acknowledgements

Preface

For many people the civil rights movement is epitomized by Martin Luther King Jr., images of nonviolent protesters, and the familiar storyline that moves from the Brown decision and Montgomery Bus Boycott through the Selma to Montgomery march and passage of the 1965 Voting Rights Act. Most early histories of the movement focused on the charismatic leaders, major organizations, and political and legal changes associated with these events. This emphasis produced studies that were primarily top-down and that scholar Charles Payne argues "are strongly disposed toward the normative," using King to represent the ideology of nonviolence, "interracial brotherhood and Christian patience." They simultaneously downplay "the role of pressure, economic or otherwise, reducing the movement to a 'protest' movement, [and] treating nonviolence as if it were somehow natural while treating militance as inevitably doomed to failure."¹ Thus the story of the movement becomes one of long-suffering, well-behaved, forgiving African Americans who petitioned peacefully for citizenship rights that were then granted by a well-intentioned (if slow moving) federal government.

My work on Claiborne County, along with other community studies, helps provide a corrective to this distortion by bringing into focus details about events and people at a local level, portraying subtle as well as dramatic changes, unearthing more of what lies beneath the surface, and highlighting aspects of the movement that have been ignored or invisible in top-down histories and popular culture. Claiborne County's limited role in civil rights movement history has centered around those moments between 1966 and 1982 when the national spotlight focused attention on the community. In July 1966, rapid black voter registration translated into decisive electoral majorities for two movement candidates in congressional elections and demonstrated the potential for black political power. Starting in April that year, blacks also launched a highly effective boycott of white merchants to push for full citizenship and dignified treatment. In January 1967, NAACP field secretary Charles Evers made national headlines when he announced a negotiated settlement in the 10-month-old boycott.

¹ Payne, I've Got the Light of Freedom, 420-21.

When local police killed an unarmed black man in 1969, white Port Gibson merchants responded to a renewed boycott with a lawsuit, Claiborne Hardware, et al. v. NAACP, et al., rather than negotiation. In 1976 their tactic appeared to pay off when a Mississippi Chancery Court judge issued a permanent injunction against boycott activity and a \$1.25 million judgement that threatened to bankrupt the national NAACP and more than 100 Claiborne County blacks. In July 1982, however, the U.S. Supreme Court overturned that decision and affirmed the legality of the centuries-old tactic of using the economic pressure of boycotts to pursue political goals.

A close look at the Claiborne County movement illustrates that these relatively visible events are easily misinterpreted and are only part of a larger, more complex story. For example, the precedent-setting legal victory appears to be in line with the national NAACP's customary strategy of pursuing change through the courts. Yet it was actually a desperate defensive measure precipitated by the questionable actions of its field secretary Charles Evers. In 1965 and 1966, Evers secured his tenuous position with the NAACP and gained national visibility by stimulating civil rights movements in Claiborne County and other Southwest Mississippi communities. Rivals referred to this area in Southwest Mississippi as Evers's territory and most accounts portray him as a charismatic and benevolent dictator who was highly successful at almost single-handedly producing change. This was only partially true. Evers's ability to rapidly mobilize black communities was dependent on freelance organizer Rudy Shields, local activists, and the earlier work of other civil rights groups, especially the Student Nonviolent Coordinating Committee (SNCC) and the Council of Federated Organizations, the Mississippi coalition known as COFO. Moreover, despite Evers's short-term successes, his approach ultimately left the black community vulnerable to the abuses of self-serving leaders and widely disillusioned when promised changes failed to materialize. Finally, the national NAACP's single-minded pursuit of organizational prominence and subsequent willingness to turn a blind eye to Evers's controversial business practices and his reliance on coercive boycott enforcement almost led to its demise by giving

the white Citizens' Council and Port Gibson merchants an opening for the Claiborne Hardware litigation.

In addition to exploring the complicated relationships between the NAACP, Charles Evers, Rudy Shields, local blacks, and community transformation, this study highlights aspects of the movement that tend to be absent from the more traditional, top-down picture. A good example is the widespread use and acceptance of self-defense by Claiborne County blacks. Though southern African Americans routinely protected themselves and self-defense was actually more typical than exceptional, self-defense is essentially invisible in the best-known narrative. Moreover, acknowledging black self-defense is actually essential to understanding the civil rights movement. We must recognize that African Americans needed to defend themselves because our nation's legal system failed to and that by using self-defense blacks forced white vigilantes to think twice about their lawlessness and were sometimes able to de-escalate violence. Self-defense also highlights African Americans assertively demanding, not, as is sometimes portrayed, passively appealing for, full citizenship. Ultimately this image, of impatient, aggressive blacks, is at odds with the sometimes monolithic portrayal of a patient, loving, and entirely unified black community avidly following Martin Luther King's lead. The distortions created by such sweeping generalizations are evident in details about the Claiborne County movement, including coercive boycott enforcement, the presence of a few blacks allied with whites, and the reality of divisions within the black community.

Similarly, although many historians use the Voting Rights Act of 1965 to mark the end of the movement, in Claiborne County it was actually an important catalyst, triggering a mass movement that lasted into 1967. In fact, as important as new legal decisions and national laws (like the Brown decision and the Civil Rights Acts of 1964 and 1965) were, they were just the beginning of the story and typically had little meaning until local people were able to generate the power necessary to force implementation. This points to the absolutely critical intersection between outside assistance and local activism. Southern African Americans needed outside help in order to access the information, resources,

laws, and even federal oversight necessary to chip away at white supremacy and effectively pursue full citizenship rights. In Claiborne County, World War II, a CIO union drive, and the National Labor Relations Board (NLRB) offered black factory workers enough leverage to organize a union, survive a lockout, and believe they had the right to demand better wages and a measure of accountability from their employers. The NAACP's national campaign against segregated and unequal schools did more than anything else to convince white Mississippians (including those in Claiborne County) to expend resources for black education. Throughout the 1950s and 1960s, the national NAACP also provided the framework for a few courageous men and women in Claiborne County to quietly declare their commitment to pursuing first-class citizenship.

In the early 1960s, the NAACP's Medgar Evers, SNCC's Robert Parris Moses, and Justice Department lawyers helped a few Claiborne County blacks register to vote. After others laid the groundwork, Rudy Shields and Charles Evers convinced Claiborne County blacks to launch their own mass movement. The NAACP, the Lawyers' Committee for Civil Rights Under Law, the Justice Department, the Equal Employment Opportunity Commission (EEOC), former COFO activists, and volunteers all contributed to that movement. These individuals, laws, institutions, and government agencies were rarely able to deliver all that Claiborne Countians hoped for. Yet each in some way shifted the battle lines, helping change the nature of the struggle and making it just a little bit harder for powerful local whites to cut off black aspirations and opportunities.

Chapter One: Jim Crow Rules

Claiborne County, located near the Mississippi River just South of the Delta, was among Mississippi's first white settlements. On the eve of the Civil War, the community was dominated by cotton planters and mercantile traders with Negro slaves outnumbering whites almost five to one. The Civil War and Confederate defeat brought a dramatic short-term reversal of fortune to both planters and slaves. In 1860, there were 3,339 whites, 12,296 enslaved African Americans, and 44 free blacks in the county. Seven years later, blacks had helped the Union army win significant battles, the 13th Amendment had banned slavery, and black voters outnumbered white 1015 to nine.²

In addition to being disfranchised by Reconstruction policies, planters faced huge debts and an uncertain labor force as they attempted to rebuild their plantations and economy. Adjusting to military defeat, they also had to confront a world in which blacks, whom they perceived as childlike, inferior, and dependent, embraced freedom, citizenship, and political participation. Dismayed when slaves left plantations to join Union troops, planters were further troubled by the effective post-Civil War political alliance of freedmen and white Republicans. During Reconstruction black Claiborne Countians served in a number of important appointive and elective political positions, including mayor, sheriff, president of the county governing board, postmaster, and even U.S. senator when Hiram Revels held that position in 1870. In 1871 the Reconstruction government of Mississippi purchased the campus of Oakland College, a forty-year-old Claiborne County school for the sons of planter elite that had closed during the Civil War. Built by slave labor, Oakland was renamed Alcorn (for the state's Republican Governor) and became the first state-supported black college in Mississippi. Though Alcorn remained physically isolated and severely underfunded, it became an important source of opportunity for African Americans, especially

² [Works Progress Administration], Claiborne County [WPA Project], 93-94; Hoffman, "The Small-Town Southern Jewish Experience"; Mississippi Stockman Farmer, 5 (Oct. 1950), 20; Mississippi Power & Light Company, "Mississippi Statistical Summary of Population, 1800-1980."

those in the immediate area.³

Most black gains during Reconstruction were short lived. White Mississippians used fraud, intimidation, and violence in the 1874 and 1875 elections to restore white supremacy and bring to power what became an all-white Democratic party. Though blacks and their Republican allies struggled to protect their political rights, they were overwhelmed by extensive violence and lawlessness. For example, in Vicksburg, about twenty miles north of Port Gibson, whites forced the black sheriff out of town and overpowered those who gathered to support him, killing as many as 300 blacks. President Ulysses S. Grant declined to send in federal troops and Mississippi's Republican Governor Adelbert Ames was himself forced to leave the state. By 1877 Reconstruction and the promise of racial equality had been destroyed nationwide.⁴

Well into the 20th century in Claiborne County, black/white interactions were shaped by the legacy of slavery and the system of sharecropping that replaced it. Initially employed in Claiborne County in 1869, sharecropping was firmly established by the 1880s and varied little until the New Deal in the early 1930s. Sharecroppers contracted with planters to work a plot of land in exchange for a portion of the cotton and corn crops, usually one half or one third, depending on whether the landowner or tenant provided livestock, equipment, seed, and living expenses. Even when farmers around the country began using tractors and other forms of mechanization, cotton farmers plowed, planted, chopped (weeded), and harvested with only the most rudimentary of tools--primarily plows, hoes, mules, and their own labor. As late as 1930, 81 percent of African American workers in Claiborne County were involved in agriculture and the demands of the cotton season shaped every aspect of black life--work, school, housing, food,

³ Claiborne County [WPA Project], 15, 16; Foner, Reconstruction, 352; Morrison, Black Political Mobilization, 35-45; Posey, Against Great Odds; Dunham, The Centennial History of Alcorn A & M College.

⁴ Foner, Reconstruction, 558-63; Claiborne County [WPA Project], 131, 184.

religion, and recreation.⁵

Sharecropping was ostensibly an economic contract and started out as a compromise between plantation owners with little money for wages and former slaves who wanted land of their own to work in family units. A white planter reflected in the 1990s that he and other whites thought tenant farming was "a good system" that was "fair to everybody." However, planters had vast power and could intrude at will into the lives of their tenants, using their control over credit and supplies to dictate where tenants could shop, what purchases they could make, and whether their children could attend school. In this system, school books and even food, clothing, shelter, and medical care were luxuries.⁶

Annie Holloway eventually bought land through a federal Farm Security Administration (FSA) program, but her earlier interactions with white planter Leigh Briscoe Allen reveal quite a bit about sharecropping. Before agreeing to move onto Allen's plantation, one of her key concerns was that she and her husband have a measure of autonomy. Since she intended to do most of the field work while her husband farmed around his day job at the nearby Oil Mill, she asked Allen if he had to "see my husband in the field everyday." Her question reflects the common understanding that whites expected not only crops at the end of the growing season, but to control their tenants' time. Allen agreed to Holloway's proposal, but as she had expected, he still kept close watch over them and their crops. Holloway recalls that her husband "was working like I don't know what. He wouldn't let a vine get up on top of that cotton, 'cause Mr. Allen might ride down the road and see it." Once when Allen found the Holloways at home celebrating their first bale of cotton, he made it clear that only extreme illness could justify their midday absence from the cotton fields.⁷

⁵ Lane and Cole, Soil Survey of Claiborne County, Mississippi, 53; McMillen, Dark Journey, 111-53; Cobb, "'Somebody Done Nailed Us on the Cross.'"

⁶ Foner, Reconstruction, 86, 106-8; McMillen, Dark Journey, 3-32; Disharoon interview.

⁷ Annie Holloway Johnson interview, 36-38.

Planters governed choices about crops, growing practices, and land use, such as whether tenants could plant a garden. Tenants generally subsisted on field peas, sweet potatoes, and corn. When they could, they planted a garden to supplement those staples with fresh vegetables in the summer and canned produce in the winter, providing a more varied diet and less need to purchase food on credit. However, planters often insisted that tenants plant only cash crops. Until a New Deal government official promoting diversified agriculture intervened, Allen made Holloway plant cotton right up to the house. Another tenant asserted that her landowner was a good man to work for in part because he "didn't keep us from raising a garden."⁸

Tenant housing was also linked to the sharecropping arrangement and usually consisted of small, poorly constructed shacks full of holes and cracks. Almost all lacked plumbing and were difficult to keep warm in the winter. One sharecropper recalled that his family's calf once walked right through a hole in the wall. Katie Ellis referred to tenant houses as "barn houses" and says she was "dying for to have a place of my own." One black man became determined to "get my mama a little old place to build her house" when a white planter refused to let him cross a field to visit his mother. Blacks who were unable to buy their own homes, often did what they could to improve the tenant houses. For example, Annie Holloway covered the interior of Allen's tenant house with cardboard to try to seal it and minimize cracks, and then covered the cardboard with paper for decoration. She also purchased and installed glass windows after explicitly asking Allen's permission to take them with her should she ever move.⁹

The white dominance that accompanied sharecropping helped planters tie tenants to their land and ensured a steady labor force. A former planter said that he preferred sharecropping to a simple renter's agreement for cash because "You had quite a bit more difficulty with that man that's paying cash." He

⁸ PGR, June 22, 1944; Annie Holloway Johnson interview; Durham interview, 16.

⁹ Moore interview, 10-13; Katie Ellis interview, 5-6; Camphor interview; Annie Holloway Johnson interview, 45-47.

explained that cash renters had more autonomy, but that "these fourth and half guys, they couldn't sell that stuff without you and him agreeing on it. That was a big difference, don't you see." He observed that cash renters were free to move if they wanted and concluded, "[If] he tells you goodbye, you see where you are, don't you see." However, whites' desire for control went beyond this profit motive. According to Jesse Johnson, the white man he rented land from resented Johnson's insistence on a business relationship as equals, including Johnson's determination to get receipts for the purchases he made on credit. "See, he just wanted you come there and get whatever you want, but don't get no receipt or nothing. And we didn't do it. And that's why he didn't like us." In fact, Johnson asserts that his independence and success bothered his landlord more than the poor crops of other renters. He explains, "Them other fellows, he told them how to farm, and grass overtook their crops," but "we told him we was renting this land, and all he was looking for was his rent. And we were going to work it like we wanted."¹⁰

Although there were vast similarities among plantations, there were also differences and tenants made distinctions based on things like a planter's willingness to permit their children to attend school, provide medical care, or allow autonomy. Katie Ellis, for example, contrasted her landlord who "just rent the land to us and that was all" with those who "tried to keep you under their thumb." William Walker grew up in a sharecropping family and spent his adult life as a sharecropper on the Person plantation. He speaks positively of the whites his family associated with, including the family that "mostly raised" his father and "taught him how to read and how to tend to business." As for his own experience, he says, "[I] never have farmed with but one man and that was Mr. Person. And it was just like a home. We didn't own it, but we was at home." Despite concurrent memories of hard times and mounting debt, his description of Person is of a benevolent father figure. "Mr. Jimmy, he would always take care of us. And he'd send you to the doctor. You never had to worry about no doctor, and if you had to go to the hospital, he send you to the hospital. And he would

¹⁰ Galloway interview, 8-9; Jesse Johnson interview, 36-37.

foot the bill 'til we get up able to do so." Even though tenants had to repay the bills with interest, access to medical care was no small thing. When Minnie Lou Buck's two-year-old daughter broke her arm, all Buck could do was wrap the arm in clay and vinegar and a homemade splint. She remembers, "that child suffered. And that arm just swole up."¹¹

The yearly account of charges made against the cotton crop (which included everything from groceries and doctor's bills to farm equipment and fertilizer) was a constant source of conflict. By harvest, sharecroppers owed planters their share of the crops, payment for any advances of money and supplies, and interest that ranged from 15 to 25 percent. Whites generally kept the only records and resisted, sometimes violently, black efforts to keep their own accounting. In the best of circumstances, the debt and interest made it difficult for sharecroppers to make money and few worked in an ideal situation. Planters could decide when and to whom tenants sold cotton, or they could buy it and store it for later resale, keeping any additional profit. Most important, however, planters decided how much tenants owed and what compensation they would receive for their year's work. Holloway insists, "You ain't gon' figure yourself, and they not gon' figure it for you. They gon' just give you something when it's all over with." She describes a conversation where she asked about the receipt that ostensibly explained the yearly cotton settlement: "I said, 'Will you please tell me what is this?' . . . The one I was talking to that really fixed the paper and gave it to my husband, he couldn't say nothing. The other one said, 'That's what I say about you niggers: you doing better than you ever did in your life and you still ain't satisfied.'" Holloway concluded, "If you say anything to them about it, they go to cussing. He'd take the whole crop and give you something. Didn't settle up with you." Such white control could have dire consequences. In 1925, for example, when Frances Pearl Lucas's father was killed, her mother did not have the resources to care for her children. Lucas remembers, "The man would take all the crop from us, and Mama had six children . . . to feed and take care of.

¹¹ Katie Ellis interview, 30-31; Walker interview, IAL, 2, 1, 5; Buck interview, IAL, 40-41.

Didn't have nothing, didn't have no hogs or nothing to kill. And they'd take all we'd make. . . . My mother gave us away to anybody. She couldn't take care of us."¹²

There were rare exceptions where landowners based their settlements on written receipts and were perceived as relatively fair. G. L. Disharoon and his relatives had a reputation for being good to work for. Reverend Eugene Spencer, who became an important leader in the black community, described G. L. Disharoon as "the aristocratic type, a gentleman, so to speak, as he dealt with people." When Spencer was a young man living on his plantation, Disharoon told his uncle, "If you want Eugene to keep books for the records, it's all right with me." Spencer concluded, "He didn't want anything but his--and I did keep the records." Yet even Disharoon rarely came up with the same numbers as his tenants. Another of his former sharecroppers recalls, "[He] kept an account of all that I got from him. I kept an account of what I got, [too]. Sometimes I go, I needed some things. . . . I had to wait on the charge. And he say, 'I ain't gonna charge you much.' See, when I get ready to pay him, it was more than I expect." One long-time tenant summed up this system: "You do all the work, and then the man, at the end of the year, the man get the money. You wouldn't get nothing out of it. I didn't understand it. I never liked working on the half."¹³

Tenants had little choice but to accept the settlement given by planters. Most share agreements were verbal, though it hardly mattered. The inequities were protected by white supremacy and the closed nature of rural Mississippi where historian Neil McMillen argues that even after Emancipation, planters still "thought of the people who worked their fields as 'their niggers,' subject to their authority." When Reconstruction ended and the federal government adopted a hands off policy about southern racial issues, blacks had nowhere to appeal. Courts and the law were allied with the interests of planters and provided no

¹² Annie Holloway Johnson interview, 36-38; Lucas interview, IAL, 19-20.

¹³ Eugene Spencer interview, 7; Waites interview, 29-33; Anonymous #3 interview.

relief. According to historian Nan Woodruff, "Wherever African Americans turned, they encountered a world circumscribed by constables and justices of the peace who constantly harassed them . . . [and] by plantation managers who also served as deputies, by planters who had the power to protect their workers from arrests or to send them to the state penitentiary, and by enough lynchings to remind them of the costs involved in defying the brutal instruments of domination."¹⁴

Unquestioned authority over the yearly crop settlements and final say over things like credit, medical care, and housing were part of the everyday, even mundane, manifestations of white supremacy. Violence produced the threatening and ominous backdrop that gave it potency. Blacks who wanted to protest their settlement or any affront at the hands of whites had to carefully calculate the possible costs. Between 1889 and 1945 there were six recorded lynchings of blacks in Claiborne and adjacent Jefferson counties. Although this percentage was lower than in other parts of the state, the threat remained. Moreover, white violence against blacks was condoned and protected by the legal system and the larger white community. A black man remembers that when he was growing up white children would "meddle with you." If whites "hit you . . . look like nothing you could say. They kill you back there in those days." In the 1940s, a white man killed a black enlisted man over \$1.30 in a gambling game and teenaged white brothers killed a black youth in a dispute about a bicycle.¹⁵

In 1906, John Roan, a white man, killed Min Newsome, a prosperous black farmer and former childhood playmate. According to his son, Newsome was working day and night to clear the 160 acres of swamp land he was purchasing and was successful enough to have a team of mules, a mare, a wagon, and a surrey. In a vaguely worded report, the local newspaper attributed the killing to self-defense after an argument, but Newsome's family maintains that Roan was jealous and believed the land Newsome was buying was "too good for a black man to have." The

¹⁴ McMillen, Dark Journey, 126; Woodruff, "African-American Struggles for Citizenship," 35.

¹⁵ McMillen, Dark Journey, 230-31; Sayles interview; PGR, Jan. 14, May 27, 1943, Dec. 28, 1944, Jan. 4, 1945.

courts never indicted Roan and despite the partial payment made by Newsome before his death, all the land ended up back in the hands of its original white owner.¹⁶

Similarly, in 1939 Farrell Humphrey killed a black farmer named Denver Gray. According to family stories, even as a young man Gray "didn't take no stuff off white folk." At 16 his family sent him to St. Louis because he had fired a shotgun at a white man who was "winking and beckoning" at one of his female cousins. When Gray returned to Mississippi, he still "didn't cow to white folks, and people thought he was crazy because if he saw a white man bothering anybody colored, he stop him. They didn't like that." According to Gray's daughter Hystercine Rankin, Humphrey shot her father in broad daylight on a county road, then went and told Gray's wife where his body was. Later he bragged about killing an "uppity nigger." Evidently Gray's offense was talking back and buying his wife a new coat and stove, rather than purchasing second hand ones from Humphrey.¹⁷

Nothing happened to Denver Gray's murderer, and in telling the story of his death, Rankin started by explaining that white men had raped her grandmother and great-grandmother and both had conceived children as a result. She continued, "White folks could do anything they wanted to in those days, and if one of our men said something, they'd just kill him." She describes her great-grandfather, Joseph "Daddy Joe" January, as a "fiercely independent man" who bought and cleared one hundred acres of swamp land. When he learned his daughter had been raped, he "sat in the hallway . . . with a shotgun on his lap, and just cried like a little baby. . . . If he went for that white man, they would've killed Daddy Joe, probably burned his place and taken the land. That's just the way it was for us in those times." Since blacks had no protection from the law, their every encounter with whites was potentially dangerous. Whites could attack blacks capriciously and with immunity. Moreover, historian Leon Litwack argues that success and independence offered no protection and could even make blacks targets. After shooting Newsome, John Roan reportedly went right to a magistrate

¹⁶ Crosby, "'A Piece of Your Own,'" 46-51.

¹⁷ Freeman, A Communion of the Spirits, 90-98; Hystercine Rankin interview, USM, 4.

and said, "I done shot that nigger, that nigger Min Newsome." Although the magistrate initially questioned why he would "shoot as good a nigger as that," Roan ended the exchange by asking, "You'd speak in defense of a nigger?"¹⁸

Although white authority was grounded in violence and political, economic, and legal dominance, it was sustained and expressed through social control and the concept of black "place." Segregation and black deference were two central pieces of the day-in-and-day-out experience of white supremacy. The result is what Neil McMillen has called a "social code of forbidding complexity." He observes that it was enforced in "often trivial ways," but argues that it "must not be underestimated." He explains, "If violence was the 'instrument in reserve'--the ultimate deterrent normally used only against the most recalcitrant--social ritual regulated day-to-day race relations. Within the context of a biracial social order based on white dominance, it served much the same function as 'good manners' in any society. For the most part, the code assured white control without the need for more extreme forms of coercion." In Port Gibson and Claiborne County this control started with segregation. Schools, churches, buses, funeral homes, cemeteries, the theater, civic organizations, and even fundraising drives were segregated. The hospital kept black and white patients apart. Bus stations, the courthouse, cotton gins, gas stations, and doctors either provided separate waiting rooms, bathrooms, and water fountains or excluded African Americans from their facilities. Segregation extended to veteran's organizations, bus driver training, and contests. The county also had a white and a Negro county agent, separate clover tours for white and black farmers, and segregated 4-H clubs. When local businesses sponsored entertainment, they sometimes held separate showings for white and colored, but blacks were often excluded from public spaces and events, including the annual holiday church tour, the Fat Stock show, and the public library. The Port Gibson Reveille almost invariably identified the race of blacks, but not whites. White newsman Fred Powledge writes that "the normal condition, according to the press and most of

¹⁸ Freeman, A Communion of the Spirits, 90-98; Litwack, Trouble in Mind; Crosby, "A Piece of Your Own," 46-51.

the rest of white society, was one of whiteness. Blackness was the exception."¹⁹

Courtesy and deference underscored the hierarchy implied by segregation. Historian Adam Fairclough explains, "Being civil to blacks as one might be to whites subverted segregation, because the caste system demanded an etiquette that made explicit, in all social interaction, the superiority of the white and the inferiority of the black." Forms of address, including courtesy titles like Mr. and Mrs., came to symbolize white supremacy. James Miller, who grew up in the 1950s and 1960s, recalls that there was a "certain way you supposed to talk to white folks. You saw them, you respected them. They were in charge. You knew your place." This was reinforced by whites' refusal to use courtesy titles to address blacks. For example, Neil McMillen writes that a white postal worker marked out Mr. and Mrs. on envelopes directed to blacks, and another white man commented that it was "crazy mistering niggers in Mississippi." In 1944, Port Gibson whites insisted to blacks that it was "Impossible!" for a union to "make the boss call you 'Mister.'" The Port Gibson Reveille used titles for whites, but not blacks, even deleting them from stories submitted by blacks. Black teachers were turned down when they asked the bank to use titles on their checks and a black business owner remembers that "a storm was raised" when she asked a bank clerk not to call her by her first name.²⁰

African Americans have stark memories of this enforced system of racial hierarchy and the inferiority it implied. One woman remembers that at the theater

¹⁹ McMillen, Dark Journey, 28; PGR, July 4, Aug. 15, 1940, Feb. 5, 1942, Jan. 20, April 13, Aug. 24, Nov. 30, 1944, Oct. 30, 1947, Jan. 19, 1950, March 15, 22, 29, May 17, Dec. 27, 1951, Sept. 25, Oct. 2, Dec. 25, 1952, April 9, Dec. 10, Dec. 10, 1953, Feb. 4, Dec. 30, Jan. 6, Oct. 6, 1955, Jan. 15, 1959, Aug. 30, 1962; Devoual interview; Ernest Kennedy Brandon interview; Mississippi Stockman Farmer, vol. 5 (Oct. 1950); Powledge, Free at Last?, 31.

²⁰ Fairclough, Race & Democracy, 41; James Miller Feb. 1994 interview; McMillen, Dark Journey, 24; "Stop! Read! Think! Concentrate!," Nov. 1944, IWA; George Walker, JCN, 17; Marguerite Thompson, JCN, 17. In one striking oversight, titles referring to the black women who founded a colored PTA slipped through. PGR, May 21, 1953.

where whites sat downstairs and blacks upstairs, whites "had the nice, soft comfortable seats, and we were sitting up on the hard seats." Another woman still has the small, collapsible tin cup she bought over sixty years ago to give her sick daughter a drink of water because whites "wouldn't want you to drink out of that fountain now [and] she was sick that day. . . . I was carrying her to the doctor." Referring to the requirement that blacks ride behind a curtain on public buses and the expectation that he use the back door at "white folks' houses," a black man says that he "resented" being treated like "a second-class citizen." Another man summed it up, saying, "There was black and there was white. We had been taught that by the water fountains, the bathrooms, [and] the doctor's offices with separate waiting rooms." He continues, "At that point, yes we knew we were in Mississippi then, and Jim Crow ruled."²¹

Black children had to learn to negotiate the intricacies of interracial interaction at a young age. Juanita Burks Stewart's memories are typical. Her family's white neighbors always referred to her parents by their first names, though her mother called the younger woman "yes ma'am and no ma'am." Moreover, whenever her mother would send her children to help the neighbors, she would instruct them, "Go to the back now. Don't go to the front. Go to the back and yell out for Mrs. Price." Explaining that, "I really really hated doing that," Stewart expresses frustration that since she never learned the neighbor's first name, even in telling the story she still has to refer to her as "Mrs. Price." Julia Jones remembers calling the man who owned the plantation that her family lived on by his first name "Rollo" because she "hadn't learned to call them mister." Although she imagines that he was unhappy with her refusal, she says that he "just laughed it off." She adds, "I guess, he say, 'She'll learn.' And I did. I learned later on."²²

Ken Brandon, whose father contracted to haul pulpwood for the white Callenders, remembers being confused about courtesy titles. On a trip with his

²¹ Watson interview, USM, 35; Collins, Evans, and Grigsby interview; Ezekiel Rankin interview, USM, 27; Devoual interview.

²² Stewart interview; Julia Jones 1992 interview.

father, he saw "this older black gentleman, he must have been 50 or 60, and he was talking to this younger white guy. He must have been about 20 years old. He was saying 'yes sir' and 'no sir.' And I didn't understand that." Shortly after seeing that interaction, Ken Brandon went with his father to the Callenders' house. Around seven himself, Brandon was talking to a white boy who was about twelve and, unsure how to address him, he remembers playing it safe and "saying 'yes sir' to him because that [was] what you supposed to do." Ken Brandon's confusion came both from his youth and the teachings of his mother Marjorie Brandon that terms of respect should be based on age, not race. She flatly refused to use courtesy titles for whites her age and younger. Ken remembers that one of his parents few arguments was over his mother's refusal to say "sir" to one of the younger Callenders. According to Ken his mother told his father, "'He's the same age as I am.' She said, 'Mr. Hugh, he's old as my father, I'll say it to him.' Says, 'I'm not going to give him, or them . . . any more respect than I would give. . . a colored person.' . . . She said, 'I just can't say it.' My dad said, 'What do you mean you can't say it? You can.' She said, 'No, I can't.'"²³

Black deference was also expected whenever blacks and whites shared public space. In stores and banks, blacks were never served before whites. According to one man, "We had been taught, and even by parents, you know, that if you're around white folks, if you're in line at the grocery store, stand back and let them go on to the cash register and get checked out first." This was so much the norm, that decades later a black man still remarked on the day in the 1930s or 1940s when the white sheriff actually waited behind black customers at the post office. A few restaurants had segregated seating for blacks and whites, but more commonly blacks who wanted food had to order at a back window and eat elsewhere. On public buses, blacks had to sit behind a curtain in back or stand if that section was full. Marjorie Brandon remembers, "You're trying to hold to keep from falling and they're sneering at you. 'Get back, I don't want to smell you.' I tell you we really had it." Her son Carl remembers learning a hard lesson from

²³ Ernest Kennedy Brandon interview.

his mother on one of the public buses. "I can remember getting on the bus and dropping down on the first seat that I saw vacant. Sometimes I wonder now if my shoulder is still hurting. I jumped down there and she immediately grabbed my shoulder and jerked me up. I was thinking [that] riding the Continental Trailways was kind of like riding the public school bus, you could sit wherever."²⁴

James Dorsey, who became an important NAACP leader in the 1960s, recalls that when blacks encountered whites on the street the whites "would occupy the whole street. And you had to get off to the side, wait, and let them pass." White control over ostensibly public streets was evident at a 1944 black Armistice celebration when the black organizers thanked whites for "giving them the privilege of parading through town." In a 1952 column intended to describe the "friendly relations" between the races, newspaper editor H. H. Crisler illustrates both the segregation and the implicit power relations that governed the streets. Crisler set out on a Saturday, a day downtown Port Gibson was typically dominated by black shoppers, to find his "colored helper" at a black barbershop. Explaining that he believed the blacks gathered on the street "had prior rights there, especially on Saturday," he noted that "every one was as willing to give passage way as [I was] to recognize their rights." When Crisler reached the barbershop, the "colored helper" was not there, but the shop proprietor immediately left a customer to go searching for him, and when that failed, he promised to continue looking and send the man to Crisler as soon as he was located. Noting that he was the "only white person on the street" and that he was "treated with perfect courtesy," Crisler interpreted these interactions as evidence of interracial friendship.²⁵ Perhaps they were, but it is more likely that they reflected his power as a white man and the subsequent deference accorded him by most blacks.

Blacks in rural areas remember having more relaxed relationships with

²⁴ Devoual interview; Miller interview, IAL, 14; Marjorie Brandon 1992 interview; Carl Brandon interview.

²⁵ James Dorsey 1992 interview; PGR, Nov. 9, 1944, Nov. 6, 1952.

whites, further illustrating the arbitrariness and complexity of interracial interactions. Civil rights activists who worked in southwest Mississippi explain that without the threat of "Black political challenge," whites and blacks shared "an intimacy, an air of easy familiarity." Ezekiel Rankin, a black man born in 1917, says "the atmosphere was good" in the rural area where he grew up. "Black and white got along well. We played together. We swum together. We worked together in the fields. . . . Folks were neighborly. It made no difference, if whites killed a hog, they'd send you a piece of meat. If we killed one, we'd send them a piece." He observes that sometimes they would even "sit down, eat at the table" with whites, but concludes, "We really didn't know things as they really were." His contemporary Nate Jones had a similar experience in the Westside Community near Alcorn College, recalling, "We grew up together, and looked like to me we was friends."²⁶

Whatever these relationships meant to the individuals involved, they did not eliminate white supremacy. Even those blacks who shared meals and friendship with whites in rural neighborhoods learned to act differently in town. After talking about his Westside area friendships with whites, Nate Jones continued, "When we come to town, we know it was different. It was segregated. Had certain facilities we could use, had signs up, white and black. Same way on the buses and everything." Moreover, southern children almost universally remember reaching an age where white supremacy intruded on their interracial friendships. According to Julia Jones, when white children "got 12 years old, 10 or 12 years old," their black playmates had to begin addressing them with courtesy titles. Marjorie Brandon was deeply affected by her father's experiences with this practice on the Rodden plantation where he grew up. She explains, "My father had been there for years. He grew up on that plantation and the [Rodden] boys . . . was right along with my Dad. He said after they got a certain age that they were told 'Now look, you have to call this Mr. Percy and Mr. Willy, you can't just say Percy, Willy'

²⁶ Moses and Cobb, Radical Equations, 25; Ezekiel Rankin interview, USM, 33; Ezekiel Rankin interview; Nathaniel Jones 1992 interview.

any more cause they getting up in age and you have to mister them.' That bothered me."²⁷

²⁷ Nathaniel Jones 1992 interview; Julia Jones 1992 interview; Marjorie Brandon 1992 interview.

Poverty: 1999

Issued May 2003

Census 2000 Brief

C2KBR-19

At the close of the 20th century, 12.4 percent of the U.S. population, or 33.9 million people, reported 1999 family incomes that were below the poverty thresholds, down from 13.1 percent in 1989.¹ The incidence of poverty varied considerably across regions, states, counties, and cities, and some groups experienced higher rates of poverty than others.

This report, which exhibits data on the poverty population, is part of a series that presents population and housing data collected by Census 2000.² It describes population distributions for the United States, including characteristics of regions, states, counties, and places with populations of 100,000 or more. A description of how the Census Bureau measures poverty may be found on page 2 and the poverty thresholds used are in Table 1.

Declines in poverty between 1989 and 1999 were regis-

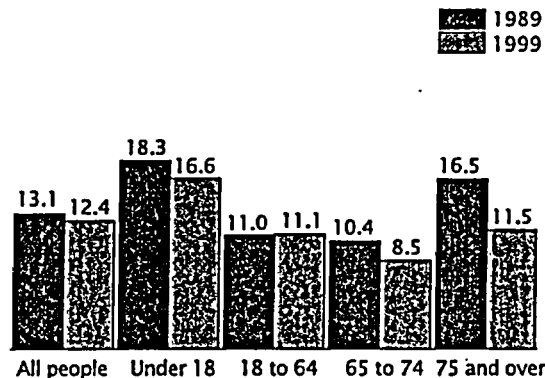
tered for most of the age groups shown in Figure 1 and Table 2. The poverty rate for children (those under 18) declined by 1.7 percentage points, from 18.3 percent in 1989 to 16.6 percent in 1999.

Despite declines, the child poverty rate in 1999 still surpassed rates for adult age groups. In 1999, for example, the poverty rate for people 18 to 64 was 11.1 percent, and the poverty rate for people 65 to 74 and those 75 and over were 8.5 percent and 11.5 percent, respectively. Notably, people 18 to 64 experienced an increase in poverty over the decade.

By:
Alemayehu Bishaw
and
John Iceland

Figure 1.
Poverty Rates by Age: 1989 and 1999

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)



Source: U.S. Census Bureau, Census 2000 Summary File 3.

¹ The estimates in this report are based on responses from a sample of the population. As with all surveys, estimates may vary from the actual values because of sampling variation or other factors. All statements made in this report have undergone statistical testing and are significant at the 90-percent confidence level unless otherwise noted.

² The text of this report discusses data for the United States, including the 50 states and the District of Columbia. Data for the Commonwealth of Puerto Rico are shown in Table 3 and Figure 3.

U.S. CENSUS BUREAU

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Census
2000

How poverty is measured.

Poverty statistics presented in census publications use thresholds prescribed for federal agencies by Statistical Policy Directive 14, issued by the Office of Management and Budget (OMB). The original poverty measure was developed in the Social Security Administration during 1963-1964. It was adopted by the Council of Economic Advisors, and the OMB subsequently revised it slightly in 1969 and 1981.

The data on poverty status were derived in part from Census 2000 long form questionnaire items 31 and 32, which provide information on the amount of income people receive from various sources. Poverty status was determined for everyone except those in institutions, military group quarters, or college dormitories, and unrelated individuals under 15 years old.

The current official poverty measure has two components—poverty thresholds (income levels) and the family income that is compared with these thresholds. The official definition uses 48 thresholds that take into account family size (from one person to nine or more) and the presence and number of family members under 18 years old (from no children present to eight or more children present).

Furthermore, unrelated individuals and two-person families are differentiated by the age of the reference person (under 65 or 65 and over). The poverty thresholds are not adjusted for regional, state, or local variation in the cost of living. The dollar amounts of the poverty thresholds used in this report are shown in Table 1.

Family income then determines who is poor. If a family's total income is less than the threshold for the family's size and composition, the family and everyone in it

are considered poor. If a person is not living with anyone related by birth, marriage, or adoption, the person's own income is compared with his or her poverty threshold as an "unrelated individual." For example, the 1999 poverty threshold for a 3-person family with one member under age 18 was \$13,410. If the total family income for 1999 was greater than this threshold, then the family and all members of the family were considered to be above the poverty level.

The total number of people below the poverty level is the sum of the number of people in poor families and the number of unrelated individuals with incomes below the poverty threshold. Census 2000 asked people about their income in the previous calendar year. Poverty estimates in this report compare family income in 1999 with the corresponding 1999 poverty thresholds.

Table 1.
Poverty Thresholds (Annual Dollar Amounts) by Size of Family and Number of Related Children Under 18 Years Old: 1999

Size of family unit	Weighted average threshold	Related children under 18 years								
		None	One	Two	Three	Four	Five	Six	Seven	Eight or more
One person (unrelated individual)	\$8,501									
Under 65 years	8,667	8,667								
65 years and over	7,990	7,990								
Two people	10,869									
Householder under 65 years ..	11,214	11,156	11,483							
Householder 65 years and over	10,075	10,070	11,440							
Three people	13,290	13,032	13,410	13,423						
Four people	17,029	17,184	17,465	16,895	16,954					
Five people	20,127	20,723	21,024	20,380	19,882	19,578				
Six people	22,727	23,835	23,930	23,436	22,964	22,261	21,845			
Seven people	25,912	27,425	27,596	27,006	26,595	25,828	24,934	23,953		
Eight people	28,967	30,673	30,944	30,387	29,899	29,206	28,327	27,412	27,180	
Nine people or more	34,417	36,897	37,076	36,583	36,169	35,489	34,554	33,708	33,499	32,208

Note: The weighted average thresholds represent a summary of the poverty thresholds for a given family size. They are not used to compute official poverty statistics.

Source: U.S. Census Bureau, Current Population Survey.

Table 2.
Poverty Rates by Age: 1989 and 1999

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Characteristic	1989			1999			Percentage point change, 1999 less 1989
	Total*	Below poverty level		Total*	Below poverty level		
		Number	Percent		Number	Percent	
All people	241,977,859	31,742,864	13.1	273,882,232	33,899,812	12.4	-0.7
Under 18 years	62,605,519	11,428,916	18.3	70,925,261	11,746,858	16.6	-1.7
Under 5 years	17,978,025	3,617,099	20.1	18,726,688	3,412,025	18.2	-1.9
5 years.....	3,626,098	714,726	19.7	3,909,962	689,664	17.6	-2.1
6 to 11 years	21,187,263	3,870,105	18.3	24,587,815	4,148,573	16.9	-1.4
12 to 17 years	19,814,133	3,226,986	16.3	23,700,796	3,496,596	14.8	-1.5
18 to 64 years	149,809,693	16,533,363	11.0	169,610,423	18,865,180	11.1	0.1
65 to 74 years	17,932,656	1,857,468	10.4	18,253,226	1,550,969	8.5	-1.9
75 years and over.....	11,629,991	1,923,117	16.5	15,093,322	1,736,805	11.5	-5.0

* Total refers to the number of people in the poverty universe (not the total population). For more details, see the text box on how poverty is measured.

Details may not sum to totals because of rounding.

Source: 1990 census and Census 2000 Summary File 3.

GEOGRAPHIC DISTRIBUTION OF POVERTY

Poverty rates varied across regions and states.

Poverty rates varied considerably across regions (see Table 3).¹ The lowest poverty rate in 1999 was experienced in the Midwest region (10.2 percent), while the poverty rate was 11.4 percent in the Northeast and 13.0 percent in the West. Poverty rates in 1999 remained highest in the South (13.9 percent). Although 35.6 percent of the total population resided in the South, 40.0 percent of the

population living in poverty resided there, according to Census 2000 (see Figure 2).

The variation across the 50 states and the District of Columbia was even more pronounced (Table 3). Among the 50 states, poverty rates in 1999 ranged from a low of 6.5 percent in New Hampshire to a high of 19.9 percent in Mississippi. The estimated poverty rate for District of Columbia (20.2 percent) is not statistically different from Mississippi.

The three states with the highest poverty rates in 1989 (Mississippi, Louisiana, and New Mexico) all experienced significant declines in poverty over the 1990s, yet remained the three highest.

None of the three states with the lowest poverty rates in 1989 (New Hampshire, Connecticut, and New Jersey) experienced declines in poverty; two of them—Connecticut and New Jersey—experienced increases. Nevertheless, New Hampshire and Connecticut remained among the three states

with the lowest poverty rates in 1999, along with Minnesota.

Clusters of low and high poverty counties were evident in 1999.

Figure 3 shows how poverty rates varied among U.S. counties in 1999. The lighter-shaded counties, such as those that predominate in the Midwest, along the coast in the Northeast, and in some mountain states, had lower-than-average poverty rates; In contrast, the darker-shaded counties in the South and Southwest had higher-than-average poverty rates. High-poverty counties were clustered in Appalachia (such as in West Virginia and Eastern Kentucky), in the Mississippi delta area, along the border in Southwest Texas, and in some American Indian tribal areas in states close to the Canadian border and the Southwest.

Some places had lower poverty rates than others.

Tables 4 and 5 show the places with the lowest and highest poverty rates in 1999 among places with a

¹ The Northeast region includes the states of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. The Midwest region includes the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The South region includes the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, a state equivalent. The West region includes the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Table 3.
State and Regional Poverty Rates: 1989 and 1999

(For information on confidentiality, protection, sampling error, nonsampling error, and definitions, refer to www.census.gov/prod/cen2000/doc/sf3.pdf)

State	1989			1999			Percentage point change 1999 less 1989
	Total*	Below poverty level		Total*	Below poverty level		
		Number	Percent		Number	Percent	
United States	241,977,859	31,742,864	13.1	273,882,232	33,899,812	12.4	-0.7
Regions							
Northeast	49,352,506	5,214,372	10.6	52,039,565	5,919,007	11.4	0.8
Midwest	58,035,788	6,971,020	12.0	62,613,918	6,360,113	10.2	-1.9
South	83,106,946	13,065,294	15.7	97,437,335	13,569,265	13.9	-1.8
West	51,482,619	6,492,178	12.6	61,791,414	8,051,427	13.0	0.4
State							
Alabama	3,945,798	723,614	18.3	4,334,919	698,097	16.1	-2.2
Alaska	532,474	47,906	9.0	612,961	57,602	9.4	0.4
Arizona	3,584,399	564,362	15.7	5,021,238	698,669	13.9	-1.8
Arkansas	2,292,037	437,089	19.1	2,600,117	411,777	15.8	-3.2
California	29,003,219	3,627,585	12.5	33,100,044	4,706,130	14.2	1.7
Colorado	3,212,550	375,214	11.7	4,202,140	388,952	9.3	-2.4
Connecticut	3,188,125	217,347	6.8	3,300,416	259,514	7.9	1.0
Delaware	645,399	56,223	8.7	759,117	69,901	9.2	0.5
District of Columbia	570,826	96,278	16.9	541,657	109,500	20.2	3.3
Florida	12,641,486	1,604,186	12.7	15,605,367	1,952,629	12.5	-0.2
Georgia	6,299,654	923,085	14.7	7,959,649	1,033,793	13.0	-1.7
Hawaii	1,071,352	88,408	8.3	1,178,795	126,154	10.7	2.4
Idaho	985,553	130,588	13.3	1,263,205	148,732	11.8	-1.5
Illinois	11,143,856	1,326,731	11.9	12,095,961	1,291,958	10.7	-1.2
Indiana	5,372,388	573,632	10.7	5,894,295	559,484	9.5	-1.2
Iowa	2,676,958	307,420	11.5	2,824,435	258,008	9.1	-2.3
Kansas	2,391,824	274,623	11.5	2,605,429	257,829	9.9	-1.6
Kentucky	3,582,459	681,827	19.0	3,927,047	621,096	15.8	-3.2
Louisiana	4,101,071	967,002	23.6	4,334,094	851,113	19.6	-3.9
Maine	1,189,534	128,466	10.8	1,240,893	135,501	10.9	NS
Maryland	4,660,591	385,296	8.3	5,164,376	438,676	8.5	0.2
Massachusetts	5,812,415	519,339	8.9	6,138,444	573,421	9.3	0.4
Michigan	9,077,016	1,190,698	13.1	9,700,622	1,021,605	10.5	-2.6
Minnesota	4,259,456	435,331	10.2	4,794,144	380,476	7.9	-2.3
Mississippi	2,502,902	631,029	25.2	2,750,677	548,079	19.9	-5.3
Missouri	4,970,573	663,075	13.3	5,433,293	637,891	11.7	-1.6
Montana	776,793	124,853	16.1	878,789	128,355	14.6	-1.5
Nebraska	1,530,947	170,616	11.1	1,660,527	161,269	9.7	-1.4
Nevada	1,178,396	119,660	10.2	1,962,948	205,685	10.5	0.3
New Hampshire	1,075,703	69,104	6.4	1,199,322	78,530	6.5	NS
New Jersey	7,563,170	573,152	7.6	8,232,588	699,668	8.5	0.9
New Mexico	1,484,339	305,934	20.6	1,783,907	328,933	18.4	-2.2
New York	17,481,762	2,277,296	13.0	18,449,899	2,692,202	14.6	1.6
North Carolina	6,397,185	829,858	13.0	7,805,328	958,667	12.3	-0.7
North Dakota	613,969	88,276	14.4	619,197	73,457	11.9	-2.5
Ohio	10,574,315	1,325,768	12.5	11,046,987	1,170,698	10.6	-1.9
Oklahoma	3,051,515	509,854	16.7	3,336,224	491,235	14.7	-2.0
Oregon	2,775,907	344,867	12.4	3,347,667	388,740	11.6	-0.8
Pennsylvania	11,536,049	1,283,629	11.1	11,879,950	1,304,117	11.0	-0.1
Rhode Island	964,376	92,670	9.6	1,010,000	120,548	11.9	2.3
South Carolina	3,368,125	517,793	15.4	3,883,329	547,869	14.1	-1.3
South Dakota	670,383	106,305	15.9	727,425	95,900	13.2	-2.7
Tennessee	4,743,685	744,941	15.7	5,539,896	746,789	13.5	-2.2
Texas	16,580,286	3,000,515	18.1	20,287,300	3,117,609	15.4	-2.7
Utah	1,694,357	192,415	11.4	2,195,034	206,328	9.4	-2.0
Vermont	541,372	53,369	9.9	588,053	55,506	9.4	-0.4
Virginia	5,968,596	611,611	10.2	6,844,372	656,641	9.6	-0.7
Washington	4,741,003	517,933	10.9	5,765,201	612,370	10.6	-0.3
West Virginia	1,755,331	345,093	19.7	1,763,866	315,794	17.9	-1.8
Wisconsin	4,754,103	508,545	10.7	5,211,603	451,538	8.7	-2.0
Wyoming	442,277	52,453	11.9	479,485	54,777	11.4	-0.4
Puerto Rico	3,494,544	2,057,377	58.9	3,769,782	1,818,687	48.2	-10.6

* Total refers to the number of people in the poverty universe (not the total populations). For more details, see the text box on how poverty is measured.

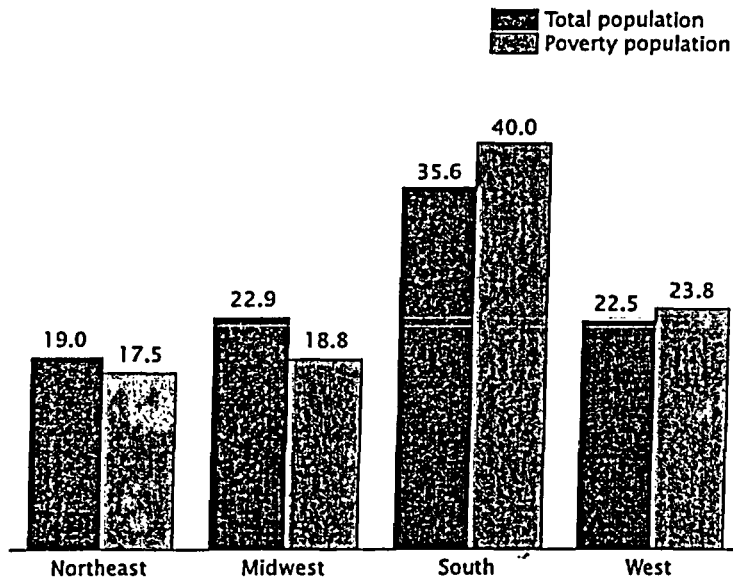
NS Not statistically different from zero at the 90-percent confidence level.

Note: Details may not sum to totals because of rounding.

Source: 1990 census and Census 2000 Summary File 3.

Figure 2.
**Distribution of People and Poverty by
Region in Census 2000**

(Percent in each region. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)



Source: U.S. Census Bureau, Census 2000 Summary File 3.

population of 100,000 or more.⁴ Naperville, Illinois, had the lowest poverty rate—2.2 percent—among these places (Table 4). Of the 10 places with the lowest poverty rates in Table 4, five were in the West (Gilbert, AZ; Westminster, CO; Thousand Oaks, CA; Arvada, CO; and Peoria, AZ), four were in the Midwest (Naperville, IL; Livonia, MI; Overland Park, KS; and Sterling Heights, MI), one was in the South (Plano, TX), and none were in the Northeast.

Brownsville, Texas, had the highest poverty rate at 36.0 percent. Five of the 10 places listed in Table 5 were

⁴ Census 2000 showed 245 places in the United States with 100,000 or more population. They included 238 incorporated places (including four city-county consolidations) and seven census designated places that were not legally incorporated. For a list of these places by state, see www.census.gov/population/www/cen2000/phc-t6.html.

In the South (Brownsville is accompanied by Laredo, TX; Miami, FL; Athens-Clarke, GA; and New Orleans, LA). Four were in the Northeast (Hartford, CT; Providence, RI; Newark, NJ; and Syracuse, NY), and only one in the West (San Bernardino, CA). None were in the Midwest.

ADDITIONAL FINDINGS ON THE POVERTY POPULATION

Poverty rates varied by race and Hispanic origin.

Census 2000 asked respondents to report one or more races. With the exception of the Two or more races group, all race groups discussed in this report refer to people who indicated only one racial identity among the six major categories: White, Black or African American, American Indian and Alaska Native,

Asian, Native Hawaiian or Other Pacific Islander, and Some other race.⁵ The use of the single-race population in this report does not imply that it is the preferred method of presenting or analyzing data. The Census Bureau uses a variety of approaches.⁶

Non-Hispanic Whites had the lowest poverty rate (8.1 percent) in 1999. The poverty rates for Asians (12.6 percent) and Native Hawaiians or Other Pacific Islanders (17.7 percent) were somewhat higher (see Table 6). Poverty rates were higher still among Blacks or African Americans (24.9 percent) and American Indians and Alaska Natives (25.7 percent). Poverty rates for those who were of Some other race (24.4 percent) or Two or more races (18.2 percent) were also higher than the national average (12.4 percent).⁷

People who were Hispanic or Latino (who may be of any race) also had a high poverty rate (22.6 percent) compared with the national average.⁸

⁵ For further information on each of the six major race groups and the Two or more races population, see reports from the Census 2000 Brief series (C2KBR/01), available on the Census 2000 Web site at www.census.gov/population/www/cen2000/briefs.html.

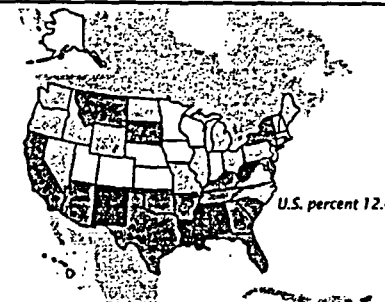
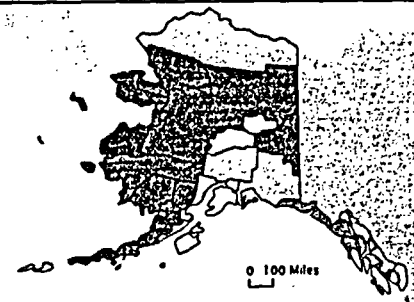
⁶ This report draws heavily on Summary File 3, a Census 2000 product that can be accessed through *American FactFinder*, available from the Census Bureau's Web site, www.census.gov. Information on people who reported more than one race, such as "White and American Indian and Alaska Native" or "Asian and Black or African American," is forthcoming in Summary File 4, which will also be available through *American FactFinder* later in 2003.

⁷ All the poverty rates for the race groups mentioned above differ statistically from each other except the poverty rates of Native Hawaiians and Other Pacific Islanders and people who reported Two or more races.

⁸ Because Hispanics may be of any race, data in this report for Hispanics overlap with data for racial groups. Based on Census 2000 sample data, the proportion of Hispanics was 8.0 percent for Whites, 1.9 percent for Blacks, 14.6 percent for American Indians and Alaska Natives, 1.0 percent for Asians, 9.5 percent for Pacific Islanders, 97.1 percent for those reporting Some other race, and 31.1 percent for those reporting Two or more races.

Figure 3.
Poverty Rates: 1999

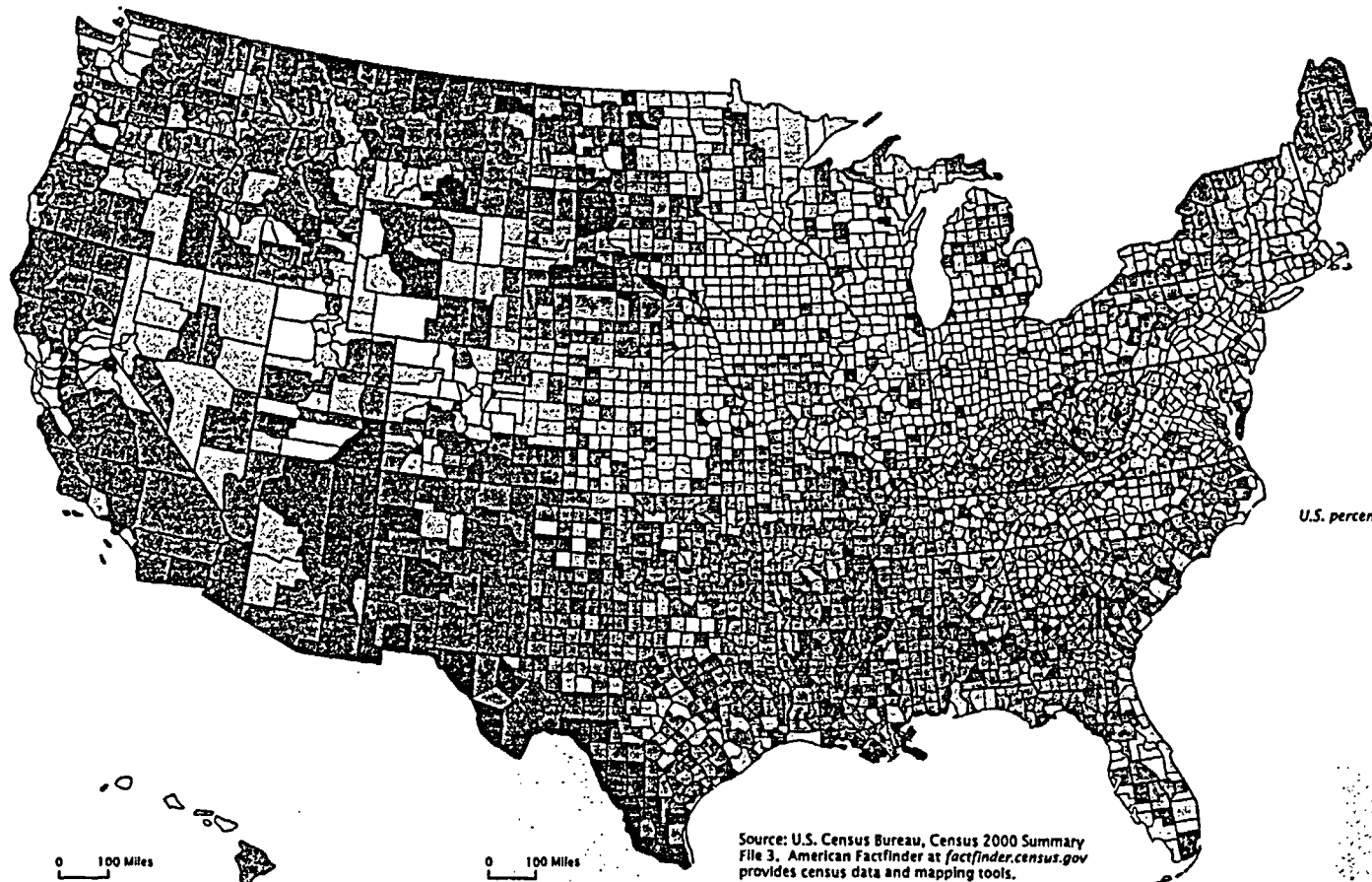
(Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)



Percent of
individuals living
below the poverty
level by state

16.0 and over
12.4 to 15.9
10.0 to 12.3
Less than 10.0

U.S. percent 12.4



Percent of
individuals living
below the poverty
level by county

26.0 or more
17.0 to 25.9
12.4 to 16.9
8.5 to 12.3
Less than 8.5

U.S. percent 12.4

Source: U.S. Census Bureau, Census 2000 Summary
File 3. American Factfinder at factfinder.census.gov
provides census data and mapping tools.

Table 4.
Places of 100,000 or More With the Lowest
Poverty Rates: 1999

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Places with 100,000 or more	Total*	Below poverty level		90-percent confidence interval	
		Number	Percent	Lower	Upper
Naperville city, IL.....	126,420	2,809	2.2	2.0	2.4
Livonia city, MI.....	99,202	3,136	3.2	3.0	3.4
Overland Park city, KS.....	147,185	4,730	3.2	2.9	3.5
Gilbert town, AZ.....	109,547	3,529	3.2	2.9	3.5
Plano city, TX.....	221,149	9,500	4.3	4.0	4.6
Westminster city, CO.....	100,436	4,726	4.7	4.3	5.1
Thousand Oaks city, CA.....	115,302	5,714	5.0	4.6	5.4
Arvada city, CO.....	101,860	5,307	5.2	4.8	5.6
Sterling Heights city, MI.....	123,568	6,480	5.2	4.9	5.5
Peoria city, AZ.....	107,094	5,627	5.3	4.9	5.7

*Total refers to the number of people in the poverty universe (not the total population). For more details, see the text box on how poverty is measured.

Note: Because of sampling error, the estimates in this table may not be significantly different from one another or from rates for other geographic areas not listed in this table.

Source: Census 2000 Summary File 3.

Table 5.
Places of 100,000 or More With the Highest
Poverty Rates: 1999

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

City and State	Total*	Below poverty level		90-percent confidence interval	
		Number	Percent	Lower	Upper
Brownsville city, TX.....	138,169	49,701	36.0	35.2	36.8
Hartford city, CT.....	116,756	35,741	30.6	29.9	31.3
Laredo city, TX.....	174,070	51,493	29.6	29.0	30.2
Providence city, RI.....	160,243	46,688	29.1	28.5	29.7
Miami city, FL.....	352,916	100,405	28.5	28.1	28.9
Newark city, NJ.....	261,451	74,263	28.4	27.9	28.9
Athens-Clarke County, GA.....	93,161	26,337	28.3	27.4	29.2
New Orleans city, LA.....	468,453	130,896	27.9	27.5	28.3
San Bernardino city, CA.....	180,100	49,691	27.6	27.0	28.2
Syracuse city, NY.....	137,234	37,485	27.3	26.6	28.0

*Total refers to the number of people in the poverty universe (not the total population). For more details, see the text box on how poverty is measured.

Note: Because of sampling error, the estimates in this table may not be significantly different from one another or from rates for other geographic areas not listed in this table.

Source: Census 2000 Summary File 3.

Poverty rates varied by family type and number of children.

Between 1989 and 1999, the poverty rate for all families fell from 10.0 percent to 9.2 percent, but poverty rates varied by family type and the presence of children (see Table 7).

The poverty rate for all married-couple families in 1999 (4.9 percent) was lower than the rate for male householder families with no spouse present (13.6 percent) and female householder families with no spouse present (26.5 percent). Among the latter group, the

poverty rate for families with related children under 18 was higher still, at 34.3 percent in 1999, although this figure represented a decline from 42.3 percent in 1989.

ABOUT CENSUS 2000

Uses of poverty statistics

The U.S. Census Bureau's statistics on poverty provide an important measure of the country's economic well-being and are sometimes used nonstatistically to assess the need or eligibility for various types of public assistance. Funds for food, health care, and legal services are distributed to local agencies based on data about elderly people with low incomes. Data about poor children are used to apportion Title I funds to counties and school districts. Under the Low-Income Home Energy Assistance Program, income and poverty data are used to allocate funds for home energy aid among areas. Other statutory applications include the Head Start Act, the Child Welfare and Services Program, the Vocational and Applied Technology Act, and the Public Housing/Section 8 Certificate and Housing Voucher Allocation Programs.

Accuracy of the Estimates

The data contained in this report are based on the sample of households who responded to the Census 2000 long form. Nationally, approximately 1 out of every 6 housing units was included in this sample. As a result, the sample estimates may differ somewhat from the 100-percent figures that would have been obtained if all housing units, people within those housing units, and people living in group quarters had been enumerated using the same questionnaires, instructions, enumerators, and so forth. The sample estimates also differ from the

values that would have been obtained from different samples of housing units, people within those housing units, and people living in group quarters. The deviation of a sample estimate from the average of all possible samples is called the sampling error.

In addition to the variability that arises from the sampling procedures, both sample data and 100-percent data are subject to nonsampling error. Nonsampling error may be introduced during any of the various complex operations used to collect and process data. Such errors may include: not enumerating every household or every person in the population, failing to obtain all required information from the respondents, obtaining incorrect or inconsistent information, and recording information incorrectly. In addition, errors can occur during the field review of the enumerators' work, during clerical handling of the census questionnaires or during the electronic processing of the questionnaires.

Nonsampling error may affect the data in two ways: (1) errors that are introduced randomly will increase the variability of the data and, therefore, should be reflected in the standard errors; and (2) errors that tend to be consistent in one direction will bias both sample and 100-percent data in that direction. For example, if respondents consistently tend to under report their incomes, then the resulting estimates of households or families by income category will tend to be understated for the higher income categories and overstated for the lower income categories. Such biases are not reflected in the standard errors.

While it is impossible to completely eliminate error from an operation as large and complex as the decen-

Table 6.
Poverty of Individuals by Race and Hispanic Origin: 1999

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Characteristic	Total*	Below poverty level		90-percent confidence interval	
		Number	Percent	Lower	Upper
All people	273,882,232	33,899,812	12.4	12.4	12.4
Race					
White alone.....	206,259,768	18,847,674	9.1	9.1	9.1
Black or African American alone..	32,714,224	8,146,146	24.9	24.9	24.9
American Indian and Alaska Native alone.....	2,367,505	607,734	25.7	25.6	25.8
Asian alone.....	9,979,963	1,257,237	12.6	12.5	12.7
Native Hawaiian and Other Pacific Islander alone.....	364,909	64,558	17.7	17.4	18.0
Some other race alone.....	15,100,625	3,687,589	24.4	24.3	24.5
Two or more races	7,095,238	1,288,874	18.2	18.1	18.3
Hispanic or Latino (of any race)....	34,450,868	7,797,874	22.6	22.6	22.6
White alone, not Hispanic or Latino.	189,785,997	15,414,119	8.1	8.1	8.1

*Total refers to the number of people in the poverty universe (not the total population). For more details, see the text box on how poverty is measured.

Source: Census 2000 Summary File 3.

nial census, the Census Bureau attempts to control the sources of such error during the data collection and processing operations. The primary sources of error and the programs instituted to control error in Census 2000 are described in detail in Summary File 3 Technical Documentation under Chapter 8, "Accuracy of the Data," located at www.census.gov/prod/cen2000/doc/sf3.pdf.

All statements in this Census 2000 Brief have undergone statistical testing, and all comparisons are significant at the 90-percent confidence level, unless otherwise noted. The estimates in tables, maps, and other figures may vary from actual values due to sampling and nonsampling errors. As a result, estimates in one category may not be significantly different from estimates assigned to a different category. Further information on the accuracy of the data is located at www.census.gov/prod/cen2000/doc/sf3.pdf. For further information on the computation

and use of standard errors, contact the Decennial Statistical Studies Division at 301-763-4242.

For More Information

The Census 2000 Summary File 3 data are available from the *American Factfinder* on the Internet (factfinder.census.gov). They were released on a state-by-state basis during 2002. For information on confidentiality protection, nonsampling error, sampling error, and definitions, also see www.census.gov/prod/cen2000/doc/sf3.pdf, or contact the Customer Services Center at 301-763-INFO (4636).

Information on population and housing topics is presented in the Census 2000 Brief series, located on the Census Bureau's Web site at www.census.gov/population/www/cen2000/briefs.html. This series, which will be completed in 2003, presents information on race, Hispanic origin, age, sex, household type, housing tenure, and social, economic, and housing

Table 7.
Poverty Rates of Families by Family Type and Presence of Children: 1989 and 1999

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Characteristic	1989			1999			Percentage point change, 1999 less 1989
	Total*	Below poverty level		Total*	Below poverty level		
		Number	Percent		Number	Percent	
All families	65,049,428	6,487,515	10.0	72,261,780	6,620,945	9.2	-0.8
Married-couple family	51,718,214	2,849,984	5.5	55,458,451	2,719,059	4.9	-0.6
With related children under 18 years	25,258,549	1,834,332	7.3	26,898,972	1,767,368	6.6	-0.7
Under 5 years only	5,578,878	377,041	6.8	5,276,884	329,946	6.3	-0.5
Under 5 years and 5 to 17 years ..	5,555,442	634,771	11.4	5,819,401	618,283	10.6	-0.8
5 to 17 years only	14,124,229	822,520	5.8	15,802,687	819,139	5.2	-0.6
No related children under 18 years ..	26,459,665	1,015,652	3.8	28,559,479	951,691	3.3	-0.5
Other family	13,331,214	3,637,531	27.3	16,803,329	3,901,886	23.2	-4.1
Male householder, no spouse present	2,949,560	407,330	13.8	4,302,568	585,970	13.6	-0.2
With related children under 18 years	1,494,956	291,572	19.5	2,526,727	448,039	17.7	-1.8
Under 5 years only	364,548	81,314	22.3	584,265	113,215	19.4	-2.9
Under 5 years and 5 to 17 years	218,849	67,882	31.0	375,284	99,326	26.5	-4.6
5 to 17 years only	911,559	142,376	15.6	1,567,178	235,498	15.0	-0.6
No related children under 18 years ..	1,454,604	115,758	8.0	1,775,841	137,931	7.8	-0.2
Female householder, no spouse present	10,381,654	3,230,201	31.1	12,500,761	3,315,916	26.5	-4.6
With related children under 18 years	6,783,155	2,866,941	42.3	8,575,028	2,940,459	34.3	-8.0
Under 5 years only	1,177,366	592,836	50.4	1,437,173	589,201	41.0	-9.4
Under 5 years and 5 to 17 years	1,354,965	859,782	63.5	1,583,239	812,292	51.3	-12.1
5 to 17 years only	4,250,824	1,414,323	33.3	5,554,616	1,538,966	27.7	-5.6
No related children under 18 years ..	3,598,499	363,260	10.1	3,925,733	375,457	9.6	-0.5

* Total refers to the number of people in the poverty universe (not the total population). For more details, see the text box on how poverty is measured.

Note: Details may not sum to totals because of rounding.

Source: 1990 census and Census 2000 Summary File 3.

characteristics such as ancestry, income, and housing costs.

For additional information on poverty, including reports and survey

data, visit the Census Bureau's Internet site on at www.census.gov/hhes/www/poverty.html. To find information about the availability of data products, including reports,

CD-ROMs, and DVDs, call the Customer Services Center at 301-763-INFO (4636), or e-mail webmaster@census.gov.

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

In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

DECLARATION OF A.C. GARNER,
NAACP CLAIBORNE COUNTY, MISSISSIPPI BRANCH

Under the penalty of perjury, I, A.C. Garner, make the following statement:

- 1) My name is A.C. Garner. I live at 113 Elm Street, Port Gibson, Mississippi. I am an African American and a member of the National Association of 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) From 1979 to 1992, I served as the Director for the Civil Defense Council of Port Gibson/Claiborne County with responsibility for the coordination of the Grand Gulf Emergency Plan in conjunction with the Mississippi Emergency Management Agency.
- 4) The U.S. Census Bureau's 2000 Census establishes that approximately 84% of Claiborne County is African-American with 32% of the county residents living below the poverty line with an average per capita income of \$11,000.
- 5) Originally, Claiborne County was to receive 100% of the assessed property tax revenue from the Grand Gulf nuclear generating station Unit 1. The tax revenue would have economically benefited Claiborne County and would have funded emergency planning and preparedness for a potential accident at the nuclear power station. In 1986, however, the Mississippi State Legislature enacted a law which gradually transferred most of the tax revenues from Grand Gulf to 44 other counties in Entergy's Mississippi electrical service area. Today, Claiborne County receives only 30% of the annually assessed property tax on the Grand Gulf nuclear generating station. Claiborne County is the only county in Mississippi that is required to share property tax revenues from an electrical generating station with other county governments. This information was confirmed through both the Mississippi State Public Service Commission and the Mississippi State Tax Commission.

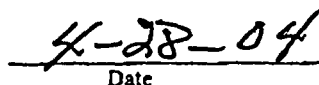
6) During my tenure as Civil Defense Director, a number of inadequacies in the Grand Gulf radiological emergency plan were identified as a result, I believe, due to the under-funding of the Claiborne County emergency planning and preparedness infrastructure and its personnel.

7) It is my understanding that Claiborne County was originally divided into five firefighting zones each to have its own fire station. However, due to the lack of financial support there is only one operable fire station in the City of Port Gibson to serve the entire county. The only other operable fire station is located at the Grand Gulf nuclear power station. As a former Civil Defense Director for Claiborne County, I know that county firefighting personnel have a vital role to play in the successful evacuation of Claiborne County citizens. As a result of the lack of financial support to the Claiborne County firefighting infrastructure for the Grand Gulf radiological emergency plan, the population of Claiborne County bears a disproportionate burden of risk and their health and safety is adversely impacted in the event of a nuclear accident or act of terrorism at the nuclear power station.

8) On April 14, 2004, I was invited to attend a meeting in Port Gibson, Mississippi that was sponsored by the U.S. Nuclear Regulatory Commission (NRC). The meeting was presided over by Mr. Mike Scott with U.S. NRC, who is charged with the agency's review of the SERI Grand Gulf Early Site Permit Application. Mr. Scott heard from a number of Claiborne County department heads and officials that the current Grand Gulf Unit I Radiological Emergency Response Plan is inadequate, including what was described to Mr. Scott as the "deplorable condition" of the Emergency Operations Center. At this same meeting Mr. Scott was informed by the Claiborne County Hospital Administrator that the hospital is not adequately staffed or funded to effectively serve as what the SERI Early Site Permit Application has designated to be the primary medical treatment facility for both radiation and non-radiation related injuries from Grand Gulf nuclear power station. Mr. Scott was also informed by the Sheriff that the Claiborne County Sheriff Department is inadequately funded and ill-equipped to effectively support its critical role in the radiological emergency plan as part of an integrated first responder network in the event of a nuclear accident or a security-related event at the Grand Gulf nuclear power station. Mr. Scott was informed that because of the significant financial strains facing Claiborne County the siting of any additional nuclear facility or facilities at the Grand Gulf nuclear power station further diminishes the county's emergency preparedness and would further reduce the likelihood of effectively executing the radiological emergency plan when needed.

9) In my opinion, the above stated conditions and needs result in a disproportionate and adverse impact on the minority and low income community in Claiborne County, Mississippi.


A.C. Garner


Date

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

In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

**DECLARATION OF JOSEPH C. DAVIS,
PRESIDENT OF THE NAACP, CLAIBORNE COUNTY,
MISSISSIPPI BRANCH**

Under penalty of perjury, I, Joseph C. Davis, declare that the following statements are true and correct to the best of my knowledge and belief:

1. My name is Joseph C. Davis. I am African American and I am a life-time resident of Claiborne County, Mississippi. I live at 116 Royal Street, Port Gibson, Claiborne County, Mississippi.
2. I am currently deputy sheriff at the Claiborne County Sheriff's Department, P.O. Box 427, Port Gibson, Mississippi 39150. I have served as a law enforcement officer for the Claiborne County Sheriff's Department for 11 years. Prior to joining the Claiborne County Sheriff's Department, I served as a law enforcement officer with Alcorn State University in Claiborne County for 19.5 years. I have been authorized to make this declaration in my official capacity as deputy sheriff.
3. I am also the President 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. For nearly 40 years, I have been active in the NAACP Claiborne County Branch.
4. The population of Claiborne County is disproportionately minority and low-income in comparison to the rest of the State of Mississippi. According to the U.S. Census Bureau, Claiborne County is 84.1% African American, compared to 36% in Mississippi. Claiborne County also has approximately 32.4% of its residents living below the poverty

level, compared to 19% in Mississippi. Claiborne County is also home to the Grand Gulf Nuclear Station, one of the 103 nuclear power plants in the country. By hosting the Grand Gulf nuclear power plant, this minority and low-income community bears a disproportionately high share of the risk of a nuclear accident or terrorist attack at the facility.

5. The Claiborne County Sheriff's Department plays a critical role in security and emergency response for the Grand Gulf Nuclear Station. The department is designated as the first responder for any accident or other emergency that occurs at the plant.

6. During my tenure as a law enforcement officer, the County Sheriff's Department has had and continues to have insufficient resources and training for proper security at the Grand Gulf Nuclear Station. Although the Claiborne County Sheriff's Department is responsible for the security of both the Grand Gulf Nuclear Station, the department has never been equipped to handle this responsibility adequately. Despite its deficiencies, the department has remained primarily responsible for handling security issues, including accidents, evacuations, vandalism, or other emergencies, that may arise at the plant. These security deficiencies pose disproportionate adverse human health and environmental risks on the Claiborne County community.

7. There are currently only 10 law enforcement officers at the Claiborne County Sheriff's Department. There is only one officer on patrol for the entire county at night. This is an insufficient number of law enforcement officers to provide adequate security for the community living near the Grand Gulf Nuclear Plant.

8. There are currently only 10 patrol cars at the Claiborne County Sheriff's Department. This is an insufficient number of patrol cars to provide adequate security for the community living near the Grand Gulf Nuclear Plant.

9. I am not aware of an emergency response plan for the Grand Gulf Nuclear Station at the Claiborne County Sheriff's Department. This is insufficient for adequate security for the community living near the Grand Gulf Nuclear Plant.

10. Due to the deficiencies described above, I do not believe that the Claiborne County Sheriff's Department is adequately equipped to provide security or other emergency assistance to the existing Grand Gulf plant or any new plant(s) that may be built on the site. In fact, the addition of another plant or two plants will further burden the limited resources and infrastructure of the Claiborne County's Sheriff's Department, while exacerbating a disproportionate impact on the minority and low-income community of Claiborne County.

Joseph C. Davis Sr.
Joseph Davis

DATE: 4-28-04

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

In the Matter of

Docket No. 52-009

System Energy Resources, Inc.

(Early Site Permit for Grand Gulf ESP site)

DECLARATION OF FRANK DAVIS IN SUPPORT OF
PETITIONERS' CONTENTIONS REGARDING THE GRAND GULF EARLY
SITE PERMIT APPLICATION

Under penalty of perjury, I, Frank Davis, declare that the following statements are true and correct to the best of my knowledge and belief:

1. My name is Frank Davis. I am currently the sheriff at the Claiborne County Sheriff's Department, P.O. Box 427, 410 Main Street, Port Gibson, Mississippi 39150.

2. The Claiborne County Sheriff's Department is funded by the Claiborne County Board of Supervisors. The Board of Supervisors has funded us to the best of their ability, however, due to the loss of one half of the Grand Gulf tax money, that has been distributed to other counties has created a hardship on the county with the growing economy. The department needs additional money to upgrade this building that we are housed in because this building is over twenty years old. The building leaks and the locks for our jail are outdated and cannot be repaired, but need to be replaced. The cooling system needs to be replaced. There are internal repairs that need to be made due to the age of this building. The electronic keyboard located in the radio room needs to be replaced and computers are needed as well.

3. The Claiborne County Sheriff's Department's fleet of automobiles need to be replaced. We need two (2) all terrain vehicles in an event we need to search for or rescue someone that is lost in the woods and a boat with the speed to go up and down the Mississippi River; a van to transport inmates if a disaster should occur; a generator for our mobile command center; flood lights and a trailer to pull our equipment; surveillance equipment for all patrol vehicles; and our radio system needs to be upgraded. Also, additional man power is needed to fully fill the required needs of our emergency evacuation plan and provide additional services at Grand Gulf Nuclear Power Plant since the 911 disaster.


Sheriff Frank Davis

DATE: 04-29-04

RIC 2002

T3 Policy Focus Safeguards/Security Issues

.....

**Nuclear Power Plant
Security**

Lance Terry

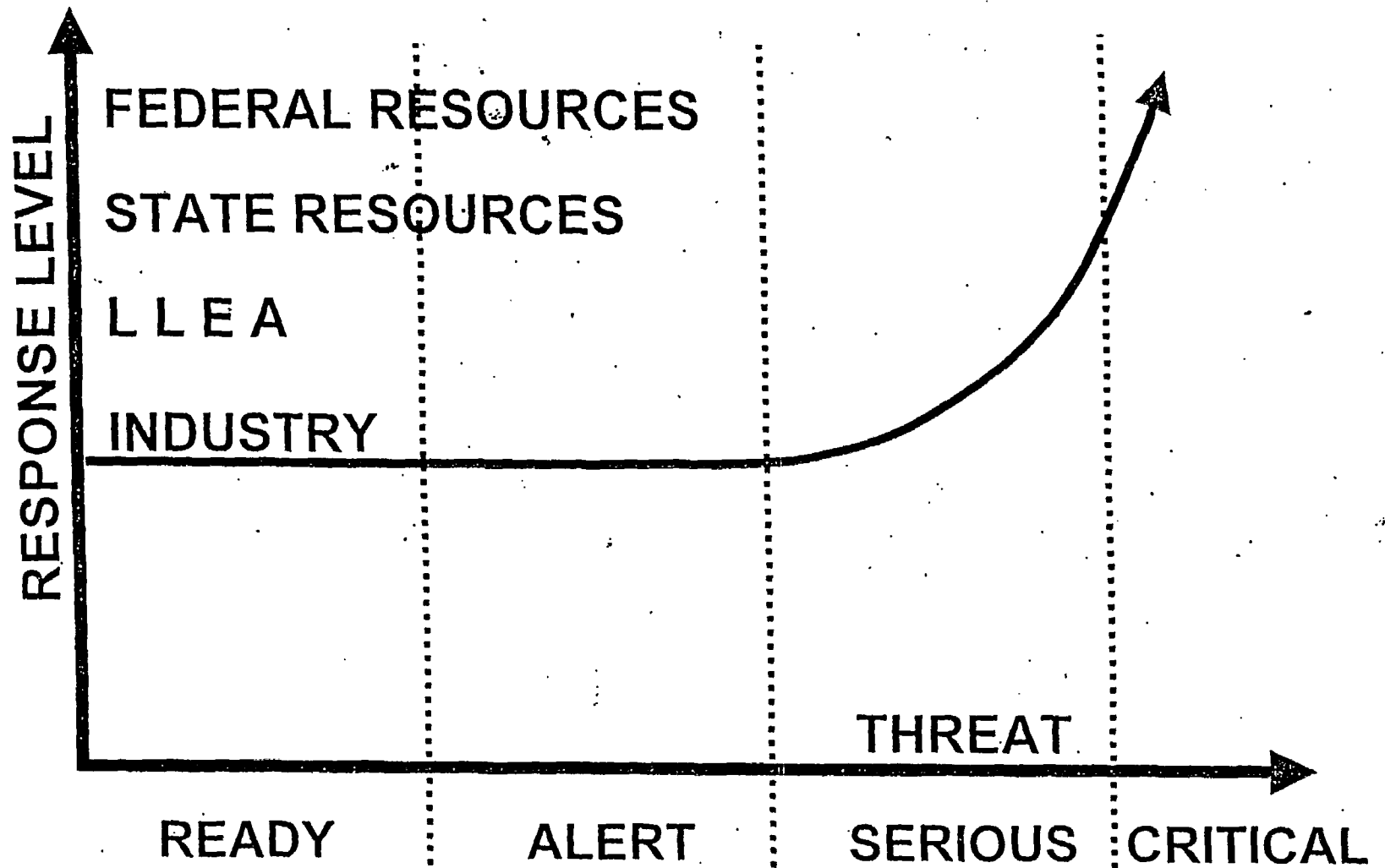
NRC Regulatory Information Conference

March 5, 2002

Washington, DC



Threat Response



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

In the Matter of

Docket No. 52-009

System Energy Resources, Inc. (SERI)

**(Early Site Permit for Grand Gulf ESP
Site)**

**DECLARATION OF WANDA C. FLEMING,
CLAIBORNE COUNTY HOSPITAL ADMINISTRATOR**

Under the penalty of perjury, I, Wanda C. Fleming, make the following the statement:

1. My name is Wanda C. Fleming. I have served as Administrator/CEO of Claiborne County Hospital for nearly 14 years. I received a Masters degree in Business Administration from Jackson State University in 1989.
2. Our hospital is located in Port Gibson, Mississippi and is a 32-bed rural facility providing acute care, behavioral health services, emergency care, ancillary and outpatient services. Our facility is certified as a Level IV Trauma Center. The ethnic makeup of the community consists of residents who are largely minority (82%), with a significant percentage (32%) falling at or below the poverty line. Claiborne County Hospital's patient mix basically mirrors these percentages. As the only hospital in the county, Claiborne County Hospital is essentially the hub of the local public health infrastructure.
3. Claiborne County Hospital is approximately 6 miles from the Gulf Nuclear Generating Station – Unit 1. This geographic positioning renders Claiborne County Hospital the first responder site in the event of any medical emergency, whether typical in nature, or in response to a nuclear accident, nuclear attack, or act of bio-terrorism. The existence and operation of Grand Gulf Nuclear Power Station in our community has long made the possibility of a nuclear accident a recognized fact. Recent acts of terrorism in our nation have made the reality of potentially being targeted in an act of terror even more acute. At the same time, these recent events have greatly magnified our hospital's inability to respond appropriately in the event of a nuclear accident or act of terror. Realistically, we are ill prepared, at present, to respond to any large-scale medical emergency or act of terror.
4. Claiborne County Hospital is housed in a 53-year old building with antiquated and deteriorating facilities. The building is in need of renovation or replacement relative to size, construction, layout, and energy efficiency. Expansion and growth

potential is practically nil due to dire space constraints. Therefore, adding the surge capacities potentially required in the event of a nuclear accident or act of terrorism is presently impossible. Additionally, financial constraints make it impossible to upgrade vital medical, information and communications equipment, add needed surveillance/security systems, or expand the base of services offered.

5. Under the current Radiological Emergency Plan for the Grand Gulf Unit 1 nuclear generating station Claiborne County Hospital is designated as the primary medical facility for injured personnel, with or without radiation contamination. One refresher training course and one drill is provided at the hospital annually. In addition, I along with other area representatives, serve as members of the local Emergency Operations Center (EOC) staff. Simulated exercises are conducted annually at the local Civil Defense Building, in conjunction with Grand Gulf Nuclear Station. Ideally, these exercises are designed to evaluate area readiness in the event of a nuclear incident and our mastery of the County Radiological Plan. Realistically, these drills do little to gauge either, as simulations tend to factor out the inevitable glitches, problems and shortages of needed resources that would arise in an actual emergency. While we tend to do quite well in these exercises, I am not at all confident that the actual identification, placement and utilization of resources, human and material, would go nearly as smoothly.
6. Claiborne County Hospital does not have adequate financial resources to effectively prepare for and medically manage a radiological emergency at Grand Gulf Nuclear Power Station - Unit 1. Dire financial constraints cause us to focus primarily on maintenance of acute, ancillary and emergency hospital care services. In fact, merely maintaining an appropriate level of services is increasingly problematic. Recently, we faced termination of our emergency provider contract because of inability to pay. Funds had to be borrowed from the County to maintain physician coverage in our emergency room. Borrowing funds (\$115,000) and adding to debt currently in excess of \$500,000 further exacerbates an already desperate situation. A March 1, 2004, letter verifying the impending loss of ER coverage prompting this action is attached as Exhibit 1. The lack of funds hinders efforts to secure and maintain appropriate staffing, prohibits purchase and maintenance of needed equipment, and hampers efforts to provide needed staff training to address any true radiological emergency. For instance, at present, Grand Gulf maintains a decontamination room in the basement of our facility. Logistically, its current placement would prohibit efficient staffing and management, as we would not have sufficient staff to man both this area and our emergency room. However, we are financially unable to relocate the Decontamination Room to the main level, adjacent to the emergency room.
7. Given the current financial strains facing Claiborne County Hospital, any additional nuclear power station unit or units to the current Grand Gulf nuclear generating station would further complicate effective medical response to a radiological emergency and would, most likely, multiply our inability to do so many times over. Therefore, prior to any such additions, it is imperative that

- measures are taken to bring Claiborne County Hospital to a state of readiness to respond to current need. To do this the hospital's infrastructure must be addressed in at least four key areas. Namely, (1) improvement of our nuclear accident/terrorism act response capability, (2) enhancement of facility infrastructure, (3) enhancement of communications infrastructure, and (4) facilitation of facility and community-wide training capabilities.
8. In my opinion, the above stated conditions and needs result in a disproportionate and adverse impact on the minority and low income community in Claiborne County, Mississippi.

Wanda C. Fleming
Wanda C. Fleming

Date April 27, 2004

March 1, 2004

Wanda Fleming
Administrator
Claiborne County Hospital
123 McComb Avenue
Pt. Gibson, MS 39150

Ms. Fleming:

We have covered your emergency department, paid the emergency department physicians, covered the professional liability insurance and the hospital has not paid EmCare invoices according to the terms in our agreement. You have not had to call EmCare to cover the agreed upon shifts or to pay the doctors for their work. We do not appreciate having to call you weekly to ask you to pay EmCare invoices.

Claiborne County Hospital is not in compliance with the terms of our agreement due to non-payment of invoices. Your current outstanding balance is \$179,090.75, of which \$152,664.44 is past due (older than 30 days) according to the terms of our agreement. If your account is not brought current (no balance older than 30 days) by March 15, 2004, EmCare will breach our agreement and you will have 30 days to cure the breach. If not cured, we will cease providing physician coverage in the emergency department and file a lawsuit against the Hospital for all outstanding amounts including interest, attorneys' fees, and all other applicable amounts in accordance with state laws.

It is not our desire to breach the agreement we entered into almost four years ago in August 2000. We would prefer to resolve the current situation and continue supporting the needs of Claiborne County Hospital and the community.

Please let me know your planned course of action as soon as possible. If we have not heard from you by March 15, 2004 and your account is still past due, we will assume you do not want to honor your obligation to resolve the situation and we will pursue the necessary legal courses of action.

Respectfully,



Andy Scoggins, CFO, EPS

cc. Jay Taylor, President, EPS
Bill Yarbrough, COO, EPS

Claiborne County Hospital #3071

AR Aging as of 02/25/04

All unpaid invoices over 30 days are past due.

29,253.13

DATE	INVOICE #	DESCRIPTION	CURRENT	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151 & OVER	Days Aged
08/05/2003	SPT001823	07/03-Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$44,773.75	
12/08/2003	Ck # 20868	Payment						(\$5,000.00)	
12/18/2003	Ck # 20895	Payment						(\$7,500.00)	
01/12/2004	Ck # 20976	Payment						(\$13,500.00)	
01/28/2004	Ck # 21018	Payment						(\$18,773.75)	
09/03/2003	SPT001850	08/03-Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$44,253.13	177
02/06/2004	Ck # 21071	Payment						(\$15,000.00)	
09/30/2003	Finance Chgs	Bal over 30 days	\$1,001.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
10/02/2003	SPT001876	09/03-Services	\$0.00	\$0.00	\$0.00	\$0.00	\$41,352.50	\$0.00	147
10/31/2003	Finance Chgs	Bal over 30 days	\$1,335.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
11/04/2003	SPT001902	10/03-Services	\$0.00	\$0.00	\$0.00	\$35,729.75	\$0.00	\$0.00	133
11/30/2003	Finance Chgs	Bal over 30 days	\$1,955.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
12/03/2003	SPT001927	11/03-Services	\$0.00	\$0.00	\$23,562.00	\$0.00	\$0.00	\$0.00	85
12/31/2003	Finance Chgs	Bal over 30 days	\$2,304.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
01/06/2004	SPT001952	12/03-Services	\$0.00	\$11,870.25	\$0.00	\$0.00	\$0.00	\$0.00	51
01/31/2004	Finance Chgs	Bal over 30 days	\$2,173.46	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
02/04/2004	SPT001977	01/04-Services	\$15,529.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	22
02/26/2004	Finance Chgs	Bal over 30 days	\$2,126.51	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
TOTAL =			\$168,193.94	\$26,426.31	\$11,870.25	\$23,562.00	\$35,729.75	\$41,352.50	\$29,253.13

\$141,767.63

Month	Balance over 30 days	Finance Charges
-------	----------------------	-----------------

Sep-03	\$66,773.75	\$1,001.61
Oct-03	\$89,026.88	\$1,335.40
Nov-03	\$130,379.38	\$1,955.69
Dec-03	\$153,609.13	\$2,304.14
Jan-04	\$144,897.38	\$2,173.46
Feb-04	\$141,767.63	\$2,126.51

\$10,896.81

Total Amount due to bring account current = \$152,664.44



NUCLEAR ENERGY INSTITUTE

Dr. Ronald L. Simard
SENIOR DIRECTOR: BUSINESS
SERVICES DEPARTMENT
BUSINESS OPERATIONS DIVISION

February 6, 2003

Mr. James E. Lyons
Director, New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Resolution of Generic Topic ESP-10 (Use of License Renewal
Generic Environmental Impact Statement (NUREG-1437) for
Early Site Permits)

Project No. 689

Dear Mr. Lyons:

In a public meeting with the NRC staff on September 25, 2002, we discussed generic topic ESP-10, which concerns the use of applicable information from NUREG-1437 (the license renewal GEIS) for the purposes of preparing environmental reports required for early site permit applications.

Our ESP-10 discussion focused primarily on applying to ESP the logic used by the NRC staff in evaluating the environmental issues associated with operating plant license renewal. We request that, by reply to this letter, the NRC confirm the understandings and expectations identified below that resulted from this discussion. To ensure timely resolution of generic issues and continued progress toward ESP applications in 2003, we request that NRC respond within 30 days.

1. The license renewal GEIS (NUREG-1437), as well as other NRC and industry reference material, may be used by ESP applicants, where applicable, to support NUREG-1555 guided evaluations. It is incumbent on ESP applicants to demonstrate the relevance of previously developed material (e.g., analyses, conclusions) to the evaluation of environmental issues in the ESP Environmental Report (ER).



DO46

2. NRC regulations and NEPA focus on significant issues and direct the NRC to determine the significance of impacts to public health and safety and the environment (10 CFR 51.45(b)(1), 40 CFR 1502.1). To the extent that the Plant Parameters Envelope (PPE) and the site characteristics are consistent with environmental impact initiators that the NRC evaluated in NUREG-1437, conclusions regarding impact significance may be used as a guide in determining the level of analytical effort and detail necessary for the ESP ER. Where an ESP-related impact is bounded by a GEIS evaluation, the ESP ER will provide information sufficient to understand the basis for applicability and comparison, and may, as appropriate, adopt GEIS conclusions as to the significance of the impact.
3. Beyond guidance provided in NUREG-1555, the GEIS (including supporting rationale) provides operating experience bases, and may be used as a starting point for impact analysis. It is acknowledged, however, that new plant designs and changes in environmental management capabilities may require additional analyses when preparing an ESP ER.
4. License renewal GEIS evaluations and conclusions are not a substitute for evaluating issues for ESP purposes. In particular, the ESP ER must consider impacts of new plant construction and full term operation that the GEIS did not. Moreover, results from cost-benefit evaluations of mitigation strategies may be different for license renewal versus new plants. For purposes of early site permits, impacts of new plant construction and operation will be considered, and evaluation of mitigation strategies will be included at a level of detail commensurate with the significance of the environmental impact. The license renewal GEIS will be used as an input to these evaluations, as described in items 1, 2, and 3 above.

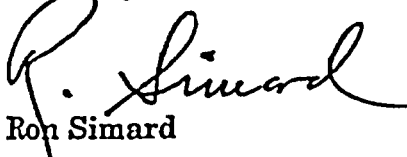
As identified in our November 26, 2002, issue resolution letter on ESP-20, "Use of Existing Site/Facility Information," the industry recognizes that the NRC's review of an ESP application is a new review. Applicant use of existing information will allow the NRC staff to minimize the resources it expends re-examining previously reviewed and approved information. Appropriate use of the license renewal GEIS and other existing information is expected to result in more efficient NRC reviews by allowing the staff to focus on changes since the existing information was previously compiled or reviewed, and on new information.

Mr. James E. Lyons
U.S. Nuclear Regulatory Commission
February 6, 2003
Page 3

Enclosed for your use is an updated list and status of generic ESP topics that have been identified for discussion during the pre-application period.

We look forward to your confirmation of the understandings and expectations described above related to ESP-10. If you have any questions concerning this request, please contact Russ Bell (rjb@nei.org or 202-739-8087).

Sincerely,



Ron Simard

Enclosure

cc: Ronaldo V. Jenkins, NRC/NRR
Document Control Desk

Status of Generic ESP Interactions and Plans for Remaining Issues

ESP Topic <u>Higher priority topics shaded</u>	Initial Discussion	Next Discussion	NEI Resolution Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Status/Remarks	Target Date for Res'n Letter
1. ESP application form & content and ESP review guidance	3/22	3/5					<ul style="list-style-type: none"> Preliminary industry comments on RS-002 to be discussed on 1/29 Stakeholder comments due by 3/31 RS-002 Review/Comment/Revision process to provide resolution vehicle for ESP-1 	Later
2. ESP inspection guidance	4/24	3/5					<ul style="list-style-type: none"> IMC-2501 to be conformed to resolution of ESP-3 (QA) NEI to provide additional comments on IMC-2501 for discussion on Mar 5 ESP inspection procedures to be completed to support June submittals 	Mar. or April
2a. Pre-application interactions (voluntary nature, plans for local public mtgs & review fee structure)	4/24		11/26	1/10			Resolved	
3. QA requirements for ESP information	5/28		12/20	2/3		2/03	Evaluating NRC response	
4. Nominal NRC review timeline	10/17	3/5					<ul style="list-style-type: none"> Industry timeline provided to NRC on 1/102 NRC review timeline provided on 1/29 Note ESP review process description in draft RS-002 	Mar. or April
5. Mechanism for documenting resolution of ESP issues	5/28		12/10	11/5			Resolved	
6. Use of plant parameters envelope (PPE) approach	7/16		12/20	2/5		2/03	Evaluating NRC response	

ESP Topic <u>Higher priority topics shaded</u>	Initial Discussion	Next Discussion	NEI Resolution Letter	NRC Response	Potential Sur. Mgmt Issue	ESP Schedule Impact if not Resolved by	Status/Remarks	Target Date for Res'n Letter
7. Guidance for satisfying §52.17(a)(1) requirements	7/16	2/5	12/20	2/5		2/03	Evaluating NRC response	
8. Fuel cycle and transportation impacts (Tables S-3 & S-4)	9/25					3/03	Preliminary industry assessment of current Tables S3 and S4 discussed w/NRC on Jan. 29	Feb.
9. Criteria for assuring control of the site by the ESP holder		3/5					To be discussed w/NRC on Mar. 5	Mar. or April
10. Use of License Renewal GEIS for ESP	9/25		2/6				Resolution Pending	Jan. or Feb.
11. Criteria for determining ESP duration (10-20 years)	12/5		12/20	2/5			Evaluating NRC response	
12. Guidance for evaluating severe accident mitigation alternatives under NEPA	8/22		12/20			2/03	Resolution Pending	
13. Guidance for ESP seismic evaluations	16/13	3/5					Applicants proceeding as described on Oct. 16. Remaining issues, if any, to be identified for discussion on Mar. 5	Mar. or April
14. Applicability of Federal requirements concerning environmental justice	-	-					Commission action pending in response to Dec. 20 NEI letter No ESP-specific discussion of EJ or ESP-14 resolution letter necessary*	*No letter needed
15. Appropriate level of detail for site redress plans	9/25		11/26	1/16			Resolved	
16. Guidance for ESP approval of emergency plans	1/29						Resolution pending	Feb.

ESP Topic <u>Higher priority topics shaded</u>	Initial Discussion	Next Discussion	NEI Resolution Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Status/Remarks	Target Date for Res'n Letter
17. Petition to eliminate duplicative NRC review of valid existing site/facility information	-	-					<ul style="list-style-type: none"> Commission action pending on petition PRM-52-1 No ESP-specific discussion or ESP-17 resolution letter necessary* 	*No letter needed
18. Petition to eliminate reviews for alternate sites, sources and need for power	-	-					<ul style="list-style-type: none"> Supplemental Industry comments on PRM-52-2 provided on Dec. 18 Staff recommendation and Commission action pending No ESP-specific discussion or ESP-18 resolution letter necessary* 	*No letter needed
18a. Alternative site reviews	12/5		12/20			3/03	Resolution Pending	
18x. Need for alternative energy source evaluation and review	1/29						<ul style="list-style-type: none"> Industry to provide additional input to NRC 	Mar. or April
19. Addressing effects of potential new units at an existing site		3/5					<ul style="list-style-type: none"> To be discussed w/NRC on Mar. 5 	Mar. or April
20. Practical use of existing site/facility information	9/25		11/26	12/18			Resolved	
21. Understanding the interface of ESP with the COL process.		3/5					<ul style="list-style-type: none"> Purpose is clarity of expectations regarding reference to an ESP by a COL applicant Analogous to "COL Items" identified as part of the design certifications 	Mar. or April
22. Form and content of an ESP	8/22	3/5					<ul style="list-style-type: none"> NEI Aug 21 draft under consideration by NRC (also included as enclosure with 12/20 ESP-6 letter) Revisions under consideration and will be identified in ESP-22 letter 	Mar. or April

April 1, 2003

Dr. Ronald L. Simard
Nuclear Energy Institute (NEI)
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF EARLY SITE PERMIT TOPIC 10 (ESP-10), USE OF LICENSE
RENEWAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (NUREG-1437)
FOR EARLY SITE PERMITS

Dear Dr. Simard:

This letter confirms our understandings and expectations regarding the use of information contained in NUREG-1437, "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," for the purpose of preparing early site permits (ESP) issued under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Subpart A. This topic, which is identified as ESP-10 on the list of Nuclear Energy Institute (NEI) generic ESP issues, was discussed during public meetings on January 10, July 16 and September 25, 2002 (Meeting Summary - ADAMS Accession Nos. ML020390320, ML021830280, and ML022900341 respectively). Subsequently, NEI documented its position on this topic in a letter dated February 6, 2003.

The Nuclear Regulatory Commission (NRC) has assessed the environmental impacts associated with granting a renewed operating license for a nuclear power plant to a licensee that holds either an operating license or construction permit as of June 1995. The GEIS is not directly applicable to any licensing action other than license renewal, but may be used just as any other technical resource, such as those that may be considered under ESP-20, "Practical use of existing site/facility information".

The GEIS identified 92 environmental issues and reached generic conclusions related to environmental impacts during the renewal term for 69 of these issues (known as Category 1 issues) that apply to all light-water-reactor (LWR) plants or to LWR plants with specific design or site characteristics. As discussed during the public meetings on this issue, the staff emphasized that there is a different technical basis and regulatory structure necessary for the evaluation of environmental impacts for ESP purposes. Therefore, all of the relevant environmental issues addressed in the GEIS will require detailed review as described in the Draft ESP Review Standard, which references NUREG-1555, "Environmental Standard Review Plan."

The NRC staff offers the following observations and clarifications to NEI's February 6, 2003, letter.

1. The NRC staff agrees with Item 1 of the subject NEI letter.
2. The NRC staff agrees with the text of the first sentence of Item 2 of the subject NEI letter in that "NRC regulations and the National Environmental Policy Act (NEPA) focus on significant issues and direct the NRC to determine the significance of impacts to public health and safety and the environment..."

However, the process suggested in Items 2, 3 and 4, and the concluding remarks of your letter implies that the ESP applicant can adopt the conclusions of the GEIS in its application without detailed knowledge of the design and operational characteristics of a facility that may be built on the proposed site. The GEIS documents the staff's evaluation of the environmental impacts of LWR reactors of known design, locations, and operating experiences. The analysis results documented in the GEIS may not be representative of the environmental impacts of a facility that could be built on the site proposed in an ESP application. Therefore, although the environmental impacts of the construction and operation of a nuclear facility located on the proposed site may be similar to those identified in the GEIS, it is incumbent on the ESP applicant to justify its conclusions regarding these impacts.

The NRC staff does believe that there may be useful insights in the GEIS that an ESP applicant can consider for its purposes in developing its environmental report, but, as stated above, the burden for justifying relevance and demonstrating completeness rests entirely with the applicant. In addition, the NRC retains the prerogative to utilize well-established NEPA techniques, such as tiering, cooperation and adoption, where the NRC believes that it is appropriate.

Please contact Ronaldo Jenkins, the ESP Senior Project Manager, at 301-415-2985 if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

However, the process suggested in Items 2, 3 and 4, and the concluding remarks of your letter implies that the ESP applicant can adopt the conclusions of the GEIS in its application without detailed knowledge of the design and operational characteristics of a facility that may be built on the proposed site. The GEIS documents the staff's evaluation of the environmental impacts of LWR reactors of known design, locations, and operating experiences. The analysis results documented in the GEIS may not be representative of the environmental impacts of a facility that could be built on the site proposed in an ESP application. Therefore, although the environmental impacts of the construction and operation of a nuclear facility located on the proposed site may be similar to those identified in the GEIS, it is incumbent on the ESP applicant to justify its conclusions regarding these impacts.

The NRC staff does believe that there may be useful insights in the GEIS that an ESP applicant can consider for its purposes in developing its environmental report, but, as stated above, the burden for justifying relevance and demonstrating completeness rests entirely with the applicant. In addition, the NRC retains the prerogative to utilize well-established NEPA techniques, such as tiering, cooperation and adoption, where the NRC believes that it is appropriate.

Please contact Ronaldo Jenkins, the ESP Senior Project Manager, at 301-415-2985 if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

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RidsNrrAdpt (BSheron)

NRLPO Group

RidsNrrOD (SCollins)

RidsOgcRp

ACCESSION NO. ML030650601

*See previous concurrence

OFC	PM:NRLPO*	DD:NRLPO*	RLEP:SC*	OGC/NLO	D:NRLPO
NAME	RJenkins	MGamberoni	JTappert	AFernandez	JLyons
DATE	3/7/03	3/10/03	3/11/03	3/31/03	3/31/03

OFFICIAL RECORD COPY

ESP-Generic

cc:

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June 25, 2003

Dr. Ronald L. Simard
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Washington, DC 20006-3708

SUBJECT: RESPONSE TO LETTER ON EARLY SITE PERMIT TOPIC 12 (ESP-12), NEPA
CONSIDERATIONS OF SEVERE ACCIDENT ISSUES

Dear Dr. Simard:

The purpose of this letter is to respond to your second letter on the subject early site permit (ESP) topic dated April 28, 2003. In this letter, NEI outlined the approach that the prospective ESP applicants are going to use in preparation of their respective applications. NEI states that the approach was based on the March 26, 2003, public meeting to discuss the issue and is consistent with the staff position contained in the February 12, 2003 letter and SECY-91-041. This letter does not change any of the understandings and expectations stated in our letter dated February 12, 2003 regarding consideration of severe accidents. We confirm the understandings and expectations cited in your letter for the prospective ESP applicants with the clarifications as listed below:

Understandings and expectations:

1. The staff agrees. With respect to severe accident mitigation alternatives, the staff recognizes that if sufficient design information is not available at the ESP stage, then the NRC review and findings will be deferred to the COL stage.
2. The staff agrees. The staff expects the ESP applicants to include a discussion of severe accident impacts in their environmental reports.
3. The staff agrees. Draft ESP Review Standard RS-002 references ESRP Section 7.2 as one acceptable methodology for reviewing an applicant's severe accident impacts assessment.
4. The prospective ESP applicants have proposed to address the environmental impacts of severe accidents through a "comparative discussion" of the candidate sites with the evaluations and conclusions contained in generic NRC severe accident studies, and to demonstrate that the site-specific populations and meteorological characteristics are consistent with sites considered in the generic studies. Although a comparative discussion may provide insights into population and meteorological differences relative to previous studies, based on the level of information provided in the NEI letter it is not clear that this discussion will provide an adequate basis for concluding that the site contains no characteristics which make it unsuitable for construction and operation of a nuclear power plant.

The staff analyses of severe accident impacts would be similar in scope and content to the site-specific analyses of environmental impacts typically addressed in more recent site-specific final environmental impact statements and generic environmental impact statements (such as NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants"). These studies typically considered multiple exposure pathways (i.e., airborne releases, releases to groundwater, and fallout onto open bodies of water) and assessed impacts in terms of population exposure, early and latent fatalities, and economic costs. If the staff needs additional information to perform these analyses, then the staff will request that ESP applicants provide supplementary information as described above.

5. NEI states that the NRC will base its finding related to severe accident environmental impacts on the expectation that severe accident impacts of future nuclear plants will be bounded by those of existing plants, which have been determined to be "small." This expectation would be based on the Commission's 1985 Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants.

The NRC will perform its review on severe accident environmental impacts in accordance with ESRP Section 7.2. If specific plant design information is available (e.g., a detailed design with a Level 3 PRA), then this information would be used in the evaluation. However, even in the absence of a detailed plant design (e.g., the specific reactor type or technology is undecided), a severe accident impacts analysis is technically feasible at the ESP stage using a PPE approach and the existing guidance in ESRP Section 7.2. Such an approach could involve characterizing the spectrum of credible releases from candidate future plant designs, in terms of representative source terms and their respective frequencies, and using these release characteristics in conjunction with site-specific population and meteorology to determine site-specific risk impacts for the surrogate design. Release characteristics could be developed through a survey of severe accident analyses for previously certified ALWRs and/or operating reactors. Risk impacts could be assessed using the same metrics as in previous plant-specific and generic EISs, such as NUREG-0974, "Limerick 1 and 2 Operating License" and NUREG-1437. These metrics include population dose, early and latent fatalities, and economic costs. The metrics would be used to determine the acceptability of the proposed site at the ESP stage.

6. With respect to the provisions of 10 CFR 52.39, the staff expects that the COL application would demonstrate that the severe accident analysis performed for the ESP is bounding for the proposed facility. If a COL applicant adequately makes such a demonstration, then the applicant may avail themselves of 10 CFR 52.39.

R. Simard

-3-

Please contact Stephen Koenick at 301-415-2985, if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

R. Simard

-3-

Please contact Stephen Koenick at 301-415-2985, if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

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Distribution: See next page

ACCESSION NO. ML031430282

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DATE	6/12/03	5/27/03	6/16/03	6/18/03	6/25/03
OFC	D:NRLPO				
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DATE	6/25/03				

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SKoenick

MGamberoni

JLyons

June 25, 2003

E-mail

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ESP-Generic

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