



Low Level Radioactive Waste Policy Act and its 1985 Amendments passed, including efforts to site new waste repositories. I regularly make presentations and occasionally provide testimony to legislators and regulators on this and related topics. For over twenty five years I have been tracking and participating in policy-making and implementation of policies regarding the generation, disposal, management and deregulation of nuclear waste and materials, mainly so-called "low-level" radioactive waste. My work has included research and public education on safety and environmental risks posed by wastes from the "low-level" radioactive waste for disposal. I have spoken publicly and published articles on these topics.

3. I am familiar with the current situation in the United States with regard to so-called "low-level" radioactive waste and with the legislative and regulatory history from the early 1980s up to the present. I am familiar with NRC policies and regulations with respect to "low-level" radioactive waste and with the numerous efforts across the country and in Texas to site new "low-level" radioactive waste disposal facilities.

4. There is clear public concern about so-called "low-level" radioactive waste especially the highly concentrated, long-lasting, biologically active waste. The majority of the radioactivity in this waste comes from nuclear power reactors.

5. All six of the "full service" (class a, b, and c and, on a case-by-case basis, greater than class c) commercial "low-level" and byproduct material [11(e)] radioactive waste disposal sites licensed in the United States have leaked radioactivity and/or radiation

offsite. These sites are located both in wet areas: West Valley, NY; Sheffield, IL; Maxey Flats, KY and Barnwell, SC and arid locations: Beatty, NV and Hanford, WA.

Documentation of this is reported largely in a comprehensive review of the 6 "low-level" nuclear waste disposal sites by the Conference of Radiation Control Program Directors (CRCPD, C-5 committee).

6. According to research by USGS geologist, David Prudic, radioactivity from the nuclear waste buried at the Beatty, NV (desert) radioactive waste site migrated to the aquifer deep below.

7. At some of the "low-level" radioactive disposal sites, the states in which these privately operated facilities are located have had to bear the costs of remediation and preventing further spread of contamination.

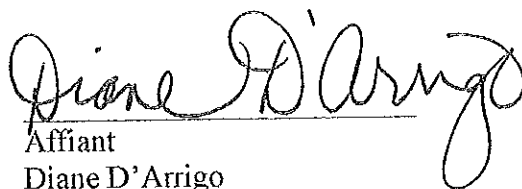
8. At least two of the sites have become Superfund sites, costing the states in which they are located and potentially responsible parties that disposed there amounts above and beyond original disposal costs.

9. The California Comptroller, during evaluation of state liability for the proposed Ward Valley "low-level" radioactive waste disposal site that was eventually cancelled, reviewed the economic history of the "low-level" radioactive waste disposal sites in the US and concluded it was not in the state's best economic interest to open the facility.

10. The 1996 Department of Energy Draft Environmental Impact Statement on the West Valley, NY nuclear waste site estimated that full clean up of the commercial "low-level" waste disposal portion of the site would cost in the range of \$5 Billion.

11. Given the history of costly, leaking radioactive waste disposal sites, a hearing on the issue of appropriate levels of financial assurance is essential.

12. I declare under penalty of perjury that the foregoing is true and correct.



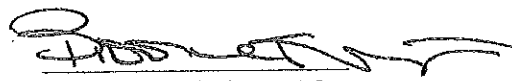
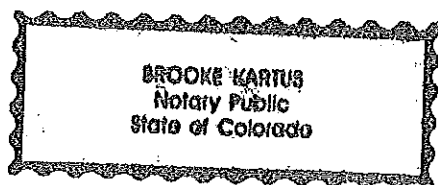
Affiant

Diane D'Arrigo

Nuclear Information and Resource Service

Dated: January 7, 2009

Subscribed and sworn to before me the undersigned notary public on this the 7th day of January, 2009 to certify which witness my hand and official seal of acknowledgment.



Notary Public in and for  
Colorado Berkeley Bank

01/02/09  
My Commission Expires: