

**DECLARATION OF DIANE D'ARRIGO
IN SUPPORT of CITIZENS ALLIED FOR SAFE ENERGY (CASE)
In the matter of Florida Power and Light (FPL)
Turkey Point Nuclear Power Units 6 and 7
Dockets 52-040 and 52-041**

February 2, 2012

I, Ms. Diane D'Arrigo, hereby declare as follows:

1. I am the Radioactive Waste Project Director at Nuclear Information and Resource Service (NIRS) at 6930 Carroll Avenue, Suite 340, Takoma Park, Maryland 20912, and have been at NIRS for 24 years.
2. I am an expert on the policy aspects and general technical characteristics of so-called "low-level" radioactive waste. I hold a Bachelor of Science degree in chemistry with a course concentration in environmental studies and a postgraduate environmental law course. My work experience has been with industry research and development, academic research, laboratory analysis, public interest research, and environmental advocacy. I have closely followed the so-called "low-level" radioactive waste issue since the passage of the 1980 Low Level Radioactive Waste Policy Act and its 1985 Amendments, including efforts to site new waste repositories and to deregulate/declare "below regulatory concern"/release/clear the waste from radioactive regulatory control. I regularly make presentations and occasionally provide testimony to legislators and regulators on 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, primarily from the operation of nuclear power plants and their fuel chain. My work has included research and public education on safety and environmental risks posed by wastes from the operation of nuclear power plants and the fuel chain and the regulations 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 "low-level" radioactive waste and with the legislative and regulatory history from the early 1980s up to the present. I am generally familiar with NRC policies and regulations with respect to "low-level" radioactive waste.

4. There is clear public concern about so-called “low-level” radioactive waste especially the highly concentrated, long-lasting, biologically active waste in Classes B, C and Greater-Than-C. The majority of the radioactivity in this waste comes from nuclear power reactors, such as the proposed Turkey Point Units 6 and 7.

5. Revisions to the Turkey Point Units 6 and 7 application commit to providing for on-site storage for “low-level” radioactive waste for 2 years and plan that there will be offsite disposal after that. It is quite possible and highly likely that 2 years after the commencement of operation that Florida Power and Light or whoever owns and runs Turkey Point 6 and 7 [if they are built] will not have a final disposal place for the so-called “low-level” radioactive waste generated by routine operations and as a result of unexpected accidents, incidents and equipment failures/replacements including large components.

6. Applicant indicates that the proposed radioactive waste disposal site in Texas or processors such as those in Tennessee could be available, but they very well could NOT be available. There are numerous reasons to believe that facilities in Texas and Tennessee will not be able to permanently dispose, or take for disposal, Turkey Point 6 and 7 waste.

7. The Waste Control Specialists site in Texas, as of this writing, is not disposing of compact waste. There are still numerous outstanding issues that have not been resolved.¹

8. The license is for Texas and Vermont generated waste only, not for out-of-compact waste. Florida is not in the Texas Vermont Compact thus Turkey Point waste is “out-of-compact” waste not acceptable under the current license. Texas state law [S.B. No. 1504] requires that the license must expressly permit out of compact waste, and the current license does not do so. The WCS site license is for TX and VT generated waste only.

9. The Lone Star Chapter Sierra Club legal case calling for a contested-case-hearing is still in the state courts, with the next court date scheduled for March 2012². The remedy, should Sierra Club prevail, would be a contested case hearing on the WCS license.

¹ Jablonski, Susan Texas Commission on Environmental Quality letter to J. Scott Kirk Waste Control Specialists, January 17, 2012 RE Status Update Request for Construction Completion of the Low Level Radioactive Waste Disposal Compact Waste Disposal Facility and Common Area Facilities Radioactive Material License RML No. RO4100, CN600616890, RN101702439

10. Texas state law [S.B. No. 1504] limits the volume and curies of out-of-compact waste to less than 30% of the total facility. The current facility licensed capacity is not large enough for the projected amounts of waste from Texas and Vermont. There are dozens of currently-operating reactors whose waste would be considered out-of-compact before Turkey Point 6 and 7 would be up and operating, likely filling that quota. Thus FP&L cannot assume that WCS can accept Turkey Point 6 and 7

11. Dr Marvin Resnikoff³ has predicted that the projected amounts of waste from Vermont could be much higher due to the tritium leakage and contamination of soil, potentially increasing the amount of space needed for Vermont generators. Dr Makhijani and I have reviewed the inadequate capacity of WCS to take waste from proposed new nuclear reactors.⁴

12. Processors could take Turkey Point waste but there will still be a final waste product that needs disposition. The processors are not guaranteed access to disposal thus cannot guarantee Turkey Point waste has access.

13. Turkey Point must make plans for very long term storage of the radioactive waste it generates.

I declare that the foregoing facts are true and correct to the best of my knowledge and that the statements of opinion are based on my best professional judgment.

_____/s/____

February 2, 2012

Diane D'Arrigo

Date

² 2-2-12 conversation with Sierra Club Conservation Director Cyrus Reed

³ Declaration of Dr. Resnikoff, September 15, 2010, filed in support of Interveners in Progress Energy Florida's Levy County Docket Nos. 52-029-COL, 52-030-COL

⁴ JOINT DECLARATION OF ARJUN MAKHIJANI AND DIANE D'ARRIGO
IN SUPPORT OF INTERVENORS' OPPOSITION TO MOTION FOR
SUMMARY DISPOSITION OF CONTENTION SAFETY-1, filed March 4, 2010 in Docket Nos. 52-025 and 52-026 Southern Company's proposed Vogtle proceeding, on behalf of the interveners.