

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE SECRETARY

In the matter of

Docket No. 52-039-COL

Hell Bend Nuclear Power Plant
Combined Construction and License Application

**DECLARATION OF GENE STILP
IN SUPPORT OF PETITIONERS' CONTENTION
REGARDING ENVIRONMENTAL POLICY OF
LOW LEVEL RADIOACTIVE WASTE STORAGE IN PENNSYLVANIA**

I, Gene Stilp, declare as follows:

1. I own a house and property at 275 Poplar Street in Wilkes-Barre, PA. I am the director of Taxpayers and Ratepayers United Association.
2. From 1987 to 1994 I was a staff member of the Pennsylvania State legislature. In 1987 the Commonwealth of Pennsylvania under the direction of the Federal mandate for a low level radioactive waste site had to pass legislation for the establishment of a low level radioactive waste facility in one of the states belonging to the Appalachian Compact. At that time I personally worked on the legislation for the House of Representatives Majority Committee on Conservation. From 1988 to 1994, I was the representative of the Majority Chairman of the Pennsylvania House Conservation Committee to the statewide Pennsylvania Environmental Quality Board composed of the heads of each executive department in Pennsylvania and each legislative caucus. The regulations that enabled Act 12 of 1988, The Low Level Nuclear Waste Siting Act were developed while I was a representative to the Pennsylvania Environmental Quality Board when the State was developing regulations for the disposal of low level radioactive waste.
3. I am an expert in the policy issues surrounding low level radioactive waste disposal in Pennsylvania, including history of the related facilities, siting of new facilities, and the development of criteria for LLRW disposal.
4. I am familiar with the statements in the Bell Bend Environmental Report regarding the applicant's plans for storage and disposal of LLRW.
5. I prepared Contention two which challenges the adequacy of the Bell Bend Environmental Report to address low level radioactive waste storage. As stated in the

contention, it is my expert opinion that the Bell Bend site is likely to become a long-term storage facility for LLRW because of the lack of any reasonable prospect that a disposal facility will become available at any time in the foreseeable future

I declare that the factual statements above are true and correct to the best of my knowledge, and the expressions of opinion stated above are based on my best professional judgment.


Gene Stilp

May 18, 2009