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FOREWORD

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Governor of South Carolina

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Riley: FOREWORD
FOREWORD

GOVERNOR RICHARD W. RILEY*

When the South Carolina General Assembly passed, in 1967, The Atomic Energy and Radiation Control Act, South Carolina became an "Agreement State" under the Nuclear Regulatory Commission's agreement state program. Simply put, this allowed South Carolina to assume direct responsibility for and control of the licensing and permitting of radioactive material use in the state. State responsibility does not include, however, operations of the federal government such as the Savannah River Plant. Nor does it include the on-site operations of nuclear power plants—South Carolina has four reactors in operation now, one almost ready to begin operation, and four more under construction.

In 1969, a licensing application was received for the creation of a low-level nuclear waste burial facility. It took two years of scrutiny and further study before the license was granted in 1971. In retrospect, it was that two years of careful consideration of the data supporting the license application that has led South Carolina to have a low-level radioactive waste disposal facility that has not required closure because of operational problems such as other states have experienced.

Shortly after I took office in January of 1979, it was brought to my attention that what had been created in 1971 as a regional facility—one of *six* low-level radioactive waste burial sites in the United States—was fast on its way to becoming one of only two, or maybe the only one in the entire country. More than three million cubic feet of low-level radioactive waste was disposed of in commercial burial grounds in the United States in 1978. Because of the proximity of the South Carolina site to the majority of generators of such waste across the country, nearly eighty percent of it came to South Carolina for disposal. Shipments consistently were arriving at the site that did not comply with applicable laws or regulations. Many discrepancies involved radiation readings in excess of allowable limits. The states of origin of the wastes were assuming little, if any, responsibility for the packaging or transportation methods practiced by waste generators. I asked our Department of Health and Environmen-

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tal Control to begin inspecting every shipment of the waste when it arrived at the burial site.

In six months of intensive inspection, not only did we substantiate that shipments were being made improperly, but that our reports of the discrepancies were not being dealt with appropriately by federal authorities. I joined the governors of the states where two other sites are located, Governor Dixie Lee Ray of Washington and Governor Robert List of Nevada, in calling for the Nuclear Regulatory Commission and the U.S. Department of Transportation to do their job by enforcing federal regulations and sanctioning violators. A regulatory process that is not enforced is nothing more than sham; that is what existed in the summer of 1979. We turned to state law to sanction the violators and found that no civil penalties were provided. The extent to which we could show, however, that a violation, or its repeated occurrence, constituted a threat to the public health, we were able to issue orders prohibiting further shipments from that generator until such time as they were able to demonstrate clearly that disregard for law and regulation would not reoccur.

Federal authorities have since demonstrated more effective enforcement of laws and regulations. Also, by the end of the 1980 legislative session, South Carolina had passed amendments to the South Carolina Atomic Energy and Radiation Control Act providing authority for civil penalties to punish those who do not ship waste in our state exactly by the letter of the law. In addition, every state was notified that we are reducing the amount of low-level waste allowed into our site each year. We were receiving as much as 250,000 cubic feet a month in 1979—enabling the other two sites to close and causing the South Carolina site to become, through attrition, the national disposal facility for low-level nuclear waste. In October 1979, South Carolina instituted a license condition that established volume limits on the amount of wastes that could be accepted at the facility near Barnwell. By late 1981, no more than 100,000 cubic feet per month will be allowed.

Continued monitoring, reduced volume, sanction of violators, prohibiting access to our disposal site by those who repeatedly violate law and regulation—those were the things we could do as a state to assure our citizens, with confidence, that continued operation of the site is proper. What remains to be done is to get other states to accept responsibility for the low-level radioactive wastes generated within their borders and to secure the creation of new disposal sites located regionally across the

country.

I have advocated since my first days in office that Congress take action to mandate that individual states are responsible for the management and disposal of low-level nuclear waste generated within their borders. This proposal removes the remaining barrier to the creation of new disposal sites—the perception by most states that this is a federal responsibility and that the federal government would take their wastes to new federal sites or existing federal sites now used almost exclusively for wastes from federal research and defense activities. In addition to assigning this responsibility to the states, it was necessary that states be authorized to enter into interstate compacts for managing such wastes and that the compacts have the right to exclude low-level nuclear wastes generated outside those states comprising the compact. This authority would be the real impetus for the development of new disposal capacity by allowing regions with sites to determine from whom receipt of wastes would be allowed. It is clear that when the management and disposal becomes a state responsibility, rather than that of the federal government, states must either create their own sites or join with other states to do so.

With the help of many Congressmen and Senators, most notably, South Carolina Representative Butler Derrick, Congress passed such legislation in the final hours of the last session, which was signed into law by President Carter. Within the Low-Level Waste Policy Act of 1980, Congress created the framework under which all states must assume their proper responsibility for the disposal of low-level radioactive waste.

As soon as I became involved in the matter of low-level nuclear waste, I was visited by federal officials who wanted to discuss the idea of South Carolina having another type of nuclear waste facility that would serve as a storage site for spent nuclear power reactor fuel. My response was, and has consistently been, that I was opposed to the idea of the federal government providing away-from-reactor (AFR) storage without a demonstrated commitment to the permanent disposal of high-level radioactive wastes. Even then, consideration of an AFR must be on a limited basis and according to a regional system.

A basic law of political-physics, which is often overlooked in nuclear waste considerations, says that waste stays where it is first put. What may be intended to be *temporary* interim storage could, without a demonstrated commitment to permanent disposal of high-level wastes, become *de facto* permanent stor-

age. One just need look at the more than 23 million gallons of high-level radioactive wastes that have been accumulating in temporary storage at the Savannah River Plant for almost three decades.

What we are attempting to do in South Carolina is to contend with the entry of the political process into nuclear waste decisionmaking. Heretofore, such decisions were the sole purview of those trained in the science of nuclear waste disposal and our faith in them was absolute. Such absolute faith has, however, been shaken and our attitudes toward such decision-making have been drastically transformed.

Because of this transformation, we have gone beyond the question of “what will we do with this waste?” to “who will decide what will be done?” and “how will they decide?” There are those who still say that public officials, like governors and state legislators, don’t understand and, therefore, cannot resolve issues involving complex questions of nuclear physics and that the keystone to our democracy, the voter, simply cannot grasp many of the facts having a bearing on this question. They contend that decisions about “what to do” should remain solely in the community of those who *do* understand. This simply cannot be. The public is aware and is concerned. It may be that, on occasion, their reactions are not equal to the risks. But the public’s concerns are real nonetheless! And without a serious effort to rebuild public confidence, our ability to manage these wastes will be seriously threatened.

It has been said that we were lulled into a false sense of security regarding nuclear waste, its storage and disposal. The manner in which past decisions were made simply did not provide the opportunity for adequate critical assessments that might have encouraged new knowledge and technology to solve the very questions facing us today.

Thus, if the questions are truly “who will decide what will be done?” and “how will they decide?,” those of us who are involved in these decisions must insure that the demands of the political process are balanced with and informed by the appropriate scientific expertise. Within such a scientific/political debate, all parties must be prepared to substantiate the basis for their recommendations. It will be this substantiation alone, presented in a climate of openness, scrutiny, and criticism, that will provide the *confidence* so necessary for intelligent nuclear waste management decisions. Of highest importance today is not only *what* is to be done, but also *how* we decide it is to be done.

A process of decisionmaking must be established that will allow us to have confidence in the results of that process. There will be remaining uncertainties no matter what the decisions are. Only confidence in the process that leads to those decisions will enable us, as a society, to live with the remaining uncertainties.