

REGIONAL LLW DISPOSAL - A SITE OPERATOR'S PERSPECTIVE

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ABSTRACT

Four major impacts of the Waste Management Policy Act of 1980 are addressed. First, the states have increased their regulatory and staff capabilities to deal with their increased responsibilities. Second, there has been an increase in public interest in low-level radioactive waste management. Third, there is a renewed interest in re-exploring new and existing methods of low-level radioactive waste management. Finally, there is significant interest on the part of the public in relation to the state role in regional compact formation.

Prior to December 1980, when the United States Congress passed the 1980 Waste Management Policy Act, the federal government had a preeminent role in the management of nuclear waste and the states were decidedly junior partners. With the passage of this legislation, however, the role of the states in managing low-level radioactive waste was enhanced greatly, with the federal government taking a decidedly secondary, although important, position. Among the more important provisions in the 1980 Waste Management Policy Act are the following:

- 1) As a matter of policy, the federal government conveyed to the states the authority and responsibility for managing low-level radioactive waste.
- 2) The United States Congress authorized the states to form regional compacts in order to facilitate the management of low-level radwaste.
- 3) Congress reserved the right to approve or ratify Compacts formed under the auspices of this legislation.
- 4) Congress authorized regional compacting groups to prohibit the importation of low-level radwaste from states not a party to the respective compacts.

This legislation set in motion a series of efforts throughout the United States to form interstate compacts for the management of low-level waste. Currently, a group of states in the Northwest, another group in the Southeast, another group in the Rocky Mountain area, and a group in the Plains states have formed compacts and submitted them to Congress. In the Northeast and Midwest, compacts have been negotiated and ratified by a few states, but those compacts have not yet been submitted to Congress for ratification. California and Texas have decided to have their own sites. Texas presently does not plan to compact with any other states, while California and Arizona as well as the two Dakotas are currently considering the possibility of forming their own two-state compact. Uncertainty remains in a few other states and territories as to how they will approach the management of low-level radwaste in the long term.

In the activities surrounding the negotiations leading to the compact, it became clear rather quickly that most states were participating in the process with an eye toward avoiding the politically unpopular task of siting a facility within their own borders, or of decreasing the impact of facilities already within their borders. In spite of the current negative attitude toward radwaste, those of us in the business of low-level radioactive waste management conduct our activities with careful attention to the public health and safety. To Washington State and my own State of South Carolina it seems that one of the principal motivations was to get out of the business or to reduce the overall activities at sites in these two states. South Carolina, for example, as a part of the Southeastern Compact, stipulated that the Barnwell site will no longer be a regional site after 1992. While Washington State did not insist on so explicit a provision in the Northwest Compact, it seems that the prospect of being able to limit access to the Richland site to the Northwest states was a prime feature of the compact package. And it is quite clear that many states joined compacts with the belief, hope or assumption that they would not be the location of a regional site or facility. Whether these hopes prove to be valid will be known only with the passage of time.

Prior to the passage of the 1980 Act, most states assumed that their role in the management of low-level radioactive waste was limited to whatever responsibility or authority they wanted to exert over generators doing business within their states, or shippers passing through their states. In some areas, this was a substantial responsibility, as in New York, Pennsylvania, California, North Carolina, and Florida. But most of the regulation of the main sources of low-level waste, i.e., reactors used to generate electricity, was regulated overwhelmingly by the federal government and only secondarily by the states. States which are so-called Agreement States have considerable responsibilities in regulating hospitals, research facilities and industries, while those states that are not Agreement States have very limited responsibilities and authority in this regard. In either case, the regulation and management, or lack thereof, was implemented under the assumption that these wastes would be moved out of the state. In 1980, only Washington, Nevada and South Carolina were concerned with what happened to the waste in terms of ultimate disposal.

Passage of the 1980 Act radically changed the regulatory perspective of states, simply because they had to contemplate at least the possibility of regulating a disposal or management facility within their own borders. Realizing that Congress had, in fact, turned over the responsibility for the management of low-level waste to the states was sobering, and in a number of states, was, and continued to be, a fact that tends to be ignored or avoided except to the extent necessary to negotiate their ways through a compact that will give them the least chance of being the site.

On the whole, however, the passage of the 1980 Act has caused the states to upgrade substantially their regulatory capabilities--both in terms of the laws under which they operate and the number of qualified professionals who staff their regulatory agencies. I think it would not be fair to say that the passage of the Act alone caused this upgrading, but it is completely accurate to suggest that the passage of the 1980 Act was one of the most important motivators for the states to take these steps. From coast to coast and from Canada to Mexico, it has been our experience that the regulatory authorities in the states are substantially larger and more professional now than they were prior to 1980. States simply were forced to come to grips, at least in part, with the prospects of either having a site within their borders or knowing a good deal about the regulation of a site in order to negotiate effectively the terms of the compact as they desired them.

Another considerable and substantial impact of the 1980 Act has been to increase or raise the level of public consciousness of the process of managing low-level radioactive waste. Unfortunately, much of this has been negative, but some of it has been positive. Environmental activists in a number of states have become active both in direct contact with governmental officials and in generating media coverage on the question of managing low-level waste. It is not possible for me to give you an accurate count of the numbers, but it is clear that in the last four years we have experienced a rapid increase in inquiries concerning the operations of our site, visits to our site, invitations to speak about the site, inquiries about alternative methods and techniques of managing low-level waste and related subjects. We have been asked by state authorities to testify before commissions and study groups and consult with them on the general process of managing and disposing of low-level waste. While this has been somewhat expensive, it has not been onerous because Chem-Nuclear is a company that has had an aggressive program for siting new facilities long before the passage of the 1980 Act. It is clear that sometime in the next decade new facilities will be sited and we certainly want to be the operator of some of those facilities. Responding to these inquiries and participating in these kinds of activities, we feel, facilitates our most direct attempts at siting new facilities. We also believe well-educated legislators and public interest groups make better decisions.

Another clear result of the 1980 Policy Act has been a heightened interest in exploring new and different ways of managing and disposing of low-level radwaste. This is particularly true in states that think that they might be the site for the first facility in the region. This increased

level of interest in alternative methods comes from different motivations. Some people simply want to find and use the best available methods and technologies. Others use the technique of studying and exploring other methodologies as a delaying tactic in the general process of siting a facility, and others do this in an effort to find ways of "spreading the burden" between the states. There is a tendency on the part of some people, particularly those that we commonly refer to as anti-nuclear, to adopt the assumption that shallow land burial is an inadequate and bad method. We, of course, reject this assumption. We are certainly aware that the circumstances and conditions must be right and appropriate to have a safe, shallow land burial site, but we are also convinced that where these conditions exist, shallow land burial is an efficient, economical way to dispose of low-level radwaste. You have all heard of most of these alternative technologies, such as compaction, incineration, segregation above ground, storage, solidification and so on. All of these techniques, methodologies and others have applications and are appropriate under the right circumstances. However, some are only methods of volume reduction or stabilization and not disposal, while others are quite expensive and tend to be economically and financially unfeasible, if not prohibitive. Unquestionably, there are always better ways to do things and we believe that this increased interest in alternative methodology will, over the course of a few years, make the management of low-level radwaste more efficient and effective. Indeed, our own company has invested quite a lot of money, time and other resources in exploring current and alternate methodologies. We have done this because we think ours is a company that is socially responsible and also because we think that over time it will be profitable. But this increased interest in other techniques and methods has placed a strain on the resources of state regulatory agencies, and to some extent, on generators.

A fourth general effect of the 1980 Policy Act has been to create a great deal of interest on the part of the public in the states. As suggested earlier, much of this interest is born from apprehensions about having a site put in a particular state. But much of it also has been a general concern with the subject born out of an ambition to understand and know the subject better. Particularly in those states where we have an interest in siting a facility, we find that our obligations to supply the public with information and respond to questions has greatly increased, whereas in previous years significant curiosity has been limited to government officials. But now this interest extends to a major portion of the entire public. Not only has this heightened awareness created additional responsibilities for us, it has also increased the responsibility and task of other players in the game, such as regulatory agencies, office holders, business groups, environmentalist groups and other interested parties.

If I may change my perspective in time, at this point, I would like to speculate a little about what might occur in the states or at least some states in the coming three to five years. At some point in the next several years, the Congress will ratify several of the interstate compacts and perhaps all of them. When this occurs, there will be moves made on the part of those compact regions

in which sites are currently located to slow or stop the importation of waste from outside the regions. Those states and regions that do not have sites will have to negotiate with the regions that do, and this is likely to cause an intensified insistence that regions and states that do not have sites accelerate the process and progress toward establishing regional facilities. State political and regulatory authorities, at that point, will be required to speed up the process, and at the same time, meet all the procedural and substantive requirements of ensuring a safe site. Regulatory authorities will have to be very professional and expert in advising political authorities. Also, the political authorities in turn will have to be insistent that the process continue and not become paralyzed. This will be a trying time, both politically and in terms of regulatory procedures in the several states which are selected to be host states for regional facilities. It will require governmental agencies to do what government hates to do, and that is persist in the face of opposition and hostility.

No doubt there will be a period when efforts will be made to avoid the basic decision and process of saying that the waste goes here. Long-range storage is one such effort, inter-regional agreements are another, bringing pressure to bear on generators to reduce the volume generated is a third, and perhaps there are more.

But sooner or later, through some process, a decision will be made to put the waste in a given site. The only basic alternative for such a decision is to terminate the operations of those facilities that generate low-level radwaste--nuclear reactors, research facilities, industries and medical treatment facilities. From our perspective, as close observers of the process of compact formulation, it is clear to us that this will be a time and resource intensive effort. We will be an active participant in informing, advising, and assisting state agencies and compact groups. We recognize and accept this responsibility and ask in return that the technological and scientific solutions which exist for low-level waste management take precedence over the political, public, and emotional maze which generally surrounds this issue.