

1983 WL 181741 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 9, 1983

\*1 George G. Graham, D.D.S.  
Chairman  
S.C. Republican Party  
Post Office Box 5247  
Columbia, South Carolina 29250

Dear Dr. Graham:

Your letter of February 3, 1983, concerning Mr. Leslie Tindal's serving as trustee emeritus for Clemson University has been referred to me for response. Although this Office is not authorized to render opinions to political parties, I have enclosed a prior opinion of this Office which concludes that a person serving as member emeritus of a board does not hold an office within the meaning of the provisions of the South Carolina Constitution prohibiting dual office holding. This conclusion is based on the fact that an emeritus member of a board serves in an honorary capacity and does not have the right to vote on matters before the Board. Since a member emeritus has no authority to exercise any portion of the State's sovereign power, he does not hold an office in the constitutional sense.

Very truly yours,

Helen T. Zeigler  
Assistant Attorney General

#### ATTACHMENT

Senator Thurmond, Members of the Committee. I am grateful for the opportunity today to address the vital environmental interests of the State of South Carolina in the restart of the L-Reactor at the Savannah River Plant. As Attorney General and therefore chief legal officer of the State of South Carolina, I will set forth, in my testimony today, the state's legal interests as they relate to the environmental consequences of restarting the reactor.

I should point out, at the outset, that there is now litigation pending between the State of South Carolina and the United States Department of Energy concerning the restart of the L-Reactor. In that lawsuit, we are seeking the United States District Court for the District of Columbia to require the Department of Energy to prepare an Environmental Impact Statement or an adequate Environmental Assessment on the L-Reactor which would meet the criteria of the National Environmental Policy Act. Because of that ongoing litigation, I am precluded from publicly discussing matters related to that case, other than to quote from or make reference to public records.

The primary legal interest of the State of South Carolina in the restart of the L-Reactor is to insist that Congressional environmental policy and mandates be strictly observed in the construction and operation of all nuclear facilities in this State. Our concern more specifically is that the state's legitimate environmental concerns not be improperly subjugated to other important national policy objectives. To that end the State must assert its legal interest, using every proper means, to insure that national environmental laws are strictly observed in the restart of this reactor as well as in the development of all nuclear and other potentially hazardous facilities in this state.

The restart of the L-Reactor poses three immediate environmental concerns to the State of South Carolina. First, the reactor, as it is now designed, will discharge extremely hot reactor cooling water into a wetland stream which is a part of the Savannah River System. This engineering feature is intended apparently to use a substantial area of marshland as a natural heat sink to

cool the reactor effluent. The environmental consequence is that the plants and animals in this one thousand-acre area would be destroyed and that a natural watercourse of the State would be seriously degraded. There are, however, design alternatives that would eliminate this problem and that would comply more closely with federal environmental policy.

\*2 The second concern of the State of South Carolina in the restart of the L-Reactor is that a quantity of radioactive cesium-137 will be discharged into the water supply downstream from the reactor. We do not know at this point the severity of that threat. Reports on its significance are conflicting. Nonetheless, there are also design alternatives for that reactor that would tend to reduce this threat if it should be deemed significant. This concern should be more fully addressed before the reactor is allowed to restart.

The third concern of the State, with the start-up of this reactor, relates to an inadequate containment system to prevent or minimize the accidental release of radioactive gases from the reactor. I am aware of arguments as to why containment domes are not generally used in production nuclear reactors such as the L-Reactor. However, in light of the concentration of production nuclear reactors in the State of South Carolina, and in light of the legitimate concern that the people of the state have over the possibility of accidental discharge of radioactivity into the environment, this matter warrants further attention by those who would operate such facilities in this State.

These are our immediate environmental concerns with the restart of the L-Reactor. I am grateful for the opportunity to express them to this Committee. I would hope that our vital need for clean water, clean air, and a radioactive-free environment not be forgotten in the pursuit of other national policy objectives at the Savannah River Plant. Thank you.

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