

DEC - 1 1989

MEMORANDUM FOR: Vandy L. Miller, Assistant Director
for State Agreements Program
State, Local, and Indian Tribe Programs

FROM: Richard L. Bangart, Director
Division of Low-Level Waste Management
and Decommissioning, NMSS

SUBJECT: LLWM STAFF REVIEW OF ILLINOIS PLAN FOR LICENSING A
LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY

The LLWM staff has reviewed the Illinois Plan for Licensing a Low-Level Radioactive Waste Disposal Facility which you sent me on October 19, 1989. Overall, we do not believe the plan provides enough detail to accomplish fully its stated purposes, or to address adequately foreseeable public concerns about the licensing process in Illinois. In support of this view, we have the following comments:

1. As provided to the NRC staff, the plan lacks sufficient detail to assess its utility in meeting its first stated purpose of providing "a detailed description of the specific process that the licensing staff will follow when evaluating an application for a license to construct a LLRWDF". (See page 1.) This in turn may impair achievement of the related purposes of using the plan for "evaluating the status and performance of licensing reviews" and "facilitat[ing] public understanding of the regulatory requirements and functional tasks involved."
2. The plan does not sufficiently explain how IDNS will avoid the appearance of a conflict of interest given the fact that the agency is responsible for both siting and licensing a low-level radioactive waste disposal facility. Even though these activities reside in two separate programs within IDNS, the plan does not explain how they will address this concern using the same in-house technical expertise, legal counsel, or administrative services. Nor does it explain how the licensing program maintains independence when both the siting program manager and the licensing program manager report to the same immediate supervisor, the IDNS Director. Further, it is the IDNS Director, according to the plan (Figure 5, p. 19) who makes the decision to issue or not issue the license.

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3. The plan does not reflect the recent decision by Governor Thompson to require detailed evaluation of two distinct sites for disposal of LLW. The potential need to justify the selection of the preferred site over another comparably evaluated alternative may have some impact on the licensing process, but the plan does not appear to address this possibility.
4. The plan does not address the potential impact on the licensing process of the recent replacement of the prospective contractor applicant. The plan should discuss the means by which data collected and analyses completed by the former applicant designee will be considered in the application review.
5. The plan seems to anticipate very limited consultation with other Illinois state agencies, and no consultation with federal agencies or other states with applicable expertise or licensing experience.
6. The plan provides a reasonably complete list of technical, legal, and regulatory issues to be considered in the licensing process. The document provides no insight into the process by which the analyses and conclusions developed for each of these areas would be integrated into a licensing recommendation, however. Nor does the plan identify or discuss the regulatory products expected to result from the license application review, such as a Safety Evaluation Report, an Environmental Report, or Supplemental License Conditions.
7. The plan does not appear to include measures to enable the regulatory officials to assure themselves of the integrity of information submitted by the applicant in support of the license application. We believe that a licensing plan should include requirements for submittal of licensing information under oath or affirmation, and the IDNS plan should reflect a commitment to enforce them as needed.

If you have any questions about the contents of this memorandum, please contact Jim Shaffner at extension 23450.

ORIGINAL SIGNED BY

Richard L. Bangart, Director
 Division of Low-Level Waste Management
 and Decommissioning, NMSS

Distribution: TICKET # LLWM 89-110 Central File # 409.14 NMSS r/f
 RBangart, LLWM JGreeves, LLWM MBell, LLRB JSurmeier, LLTB
 PLOhaus, LLOB RMacDougall, LLOB JShaffner, LLUB JLepre, LLWM
 KSchneider, SLITP JJones, LLOB t/f JJones, LLOB r/f

PDR YES

PDR NO Category: Proprietary or CF Only

ACNW YES NO

SUBJECT ABSTRACT: ILLINOIS LLW LICENSING PLAN
 * See Previous Concurrence

OFC :LLOB*	:LLOB*	:LLOB*	:LLWM*	:LLWM	:NMSS
NAME:JShaffner/jj	:RMacDougall	:PLOhaus	:MBell	:RBangart	:
Date:11/22/89	:11/24/89	:11/24/89	:11/27/89	:11/30/89	:11/ /89

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- 7. The plan does not appear to include measures to assure the integrity of information submitted in support of the license application. We believe that a licensing plan should include effective, enforceable measures against falsification of documents and material false statements, and the IDNS plan should reflect a commitment to use them as needed to maintain public confidence in the State's licensing process.

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analyses completed by the former applicant designee will be considered in the application review.

- 5. The plan seems to suggest a rather insular approach to licensing in that it suggests very limited consultation with other Illinois state agencies and, as far as we can tell, no consultation with federal agencies or other states with applicable expertise and licensing experience.
- 6. The plan provides a reasonably complete list of technical, legal, and regulatory issues to be considered in the licensing process. However, the document provides no insight into the process by which the analyses and conclusions that would be developed with respect to each of these areas would be integrated into a licensing recommendation. Nor does the document discuss the products that would be developed as a result of the license application review (e.g. Safety Evaluation Report, Environmental Report, Supplemental License Conditions).
- 7. The plan does not appear to include measures to assure the integrity of information submitted in support of the license application. Any licensing plan should include effective, enforceable measures against material false statements and the plan should reflect the commitment to use them upon the first evidence of such statements in order to maintain public confidence in the licensing process.

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FROM Vandy L. Miller		DATE OF DOCUMENT 10/19/89	DATE RECEIVED 10/23 for ticket	NO LLWM 89-110 ✓
TO Richard Bangart		LTR	Memo	REPORT
CLASSIF		ORIG.	CC	OTHER
POST OFFICE	REG. NO.	ACTION NECESSARY <input type="checkbox"/>	CONCURRENCE <input type="checkbox"/>	DATE ANSWERED
		NO ACTION NECESSARY <input type="checkbox"/>	COMMENT <input type="checkbox"/>	BY 11/27/89
DESCRIPTION (Must Be Unclassified) ILLINOIS PLAN FOR LICENSING A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY		FILE CODE	REFERRED TO	DATE
ENCLOSURES Closed 10/30/89 Per ltr. to V. Miller from D. Bangart			Lohaus	10/23
REMARKS			(Mr. DeJell)	10/23