



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 15, 1994

Mr. Thomas W. Ortziger
Director
Department of Nuclear Safety
State of Illinois
1035 Outer Park Drive
Springfield, IL 62704

Dear Mr. Ortziger:

I am responding to your letter to Chairman Selin dated June 3, 1994, in which you inquire whether the U.S. Nuclear Regulatory Commission would object to the Illinois Department of Nuclear Safety (IDNS) licensing deep geologic disposal of low-level radioactive waste (LLW) under its current regulations. In addition, you request a representative of the NRC to attend the June 17 meeting of the Illinois Low-Level Radioactive Waste Task Group of which you are a member.

In particular, you note that a review of applicable requirements, including 10 CFR Part 61, leaves you unclear whether deep geologic disposal of LLW is an acceptable method of disposal. In response to your inquiry, the staff does not believe that NRC's applicable LLW disposal regulation, 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste," precludes the disposal of LLW in a geologic repository. Many of the technical criteria of Part 61 do not address deep geologic disposal of LLW. Historically, the main focus of staff effort has been on alternative methods that utilize cementitious materials with earthen cover (e.g., below-ground vaults and earth-mounded concrete bunkers). The staff has spent minimal resources on other technologies, such as above-ground vaults or mined cavities, because they have not been proposed widely by the States as indicated in the document that you referenced, "Licensing of Alternative Methods of Disposal of Low-Level Radioactive Waste," December 1986, NUREG-1241. Therefore, any licensing of a deep geologic LLW repository, including the content of applicable technical criteria, would be considered on a case-by-case basis, such as in the example of above-ground vaults should NRC receive an application for such a facility. (See amendments to Part 61, 68 Federal Register 33886, June 22, 1993.)

With regard to what the State of Illinois could do under its own regulations and whether NRC would object, we have not addressed that issue because we do not know the particulars at this time. We do note that the State of New York is considering as an alternative disposal method both deep and drift mines. For the regulatory implications of this subject you may wish to consult Dr. Paul J. Meryes, Director, Bureau of Radiation, Division of Hazardous Substances Regulation, New York State Department of Environmental Conservation. His phone number is 518/457-2225.

In response to your request for a speaker, because of the short time frame and conflicting obligations of our staff, we are unable to send a representative to attend the June 17 meeting of the Task Group in East Peoria, Illinois.

Thomas W. Ortziger

2

JUN 15 1994.

If you have any further questions, please contact me, or Dr. Stephen N. Salomon of my staff at 301/504-2368.

Sincerely,

Original Signed By
RICHARD L. BANGART
Richard L. Bangart, Director
Office of State Programs

cc: Dr. Paul Merges, NYDEC

Distribution:

EDO RF (EDO 10150)
RLBangart
PLohaus
SDroggitis
SSalomon
CWReamer, OGC
JHAustin, LLDP
MWeber, LLDP
JKennedy, LLDP
RLickus, RIII
Illinois File
LLW File

DCD (SP01)
PDR (YES)

*No legal objection
with modifications
as noted
via telecon 1:55pm
SMS*

*See previous concurrence.

6/15 FAXED TO ORTCIGER
6/16 FAXED TO MERGES

OFC	OSP:SA <i>SMS</i>	OSR:SA:DO <i>for</i>	OGC <i>for</i>	NMSS/LLDP	OSP:D <i>for</i>		
NME	SSalomon:kk	PLohaus <i>for</i>	CWReamer	JHAustin	RLBangart		
DTE	06/14/94	06/14/94	06/15/94	06/15/94*	06/15/94		

G:\E10150.SNS

170006