

March 31, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Andrew L. Bates, Acting Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-059 - AGREEMENT
STATE COMPATIBILITY FOR CRITICALITY
REQUIREMENTS APPLICABLE TO LOW-LEVEL WASTE
DISPOSAL FACILITIES

The Commission has approved the staff's plan to request Agreement State review and comment on the proposal to revise the compatibility of 10 CFR 61.16(b)(2) from category *NRC* to category *Health and Safety*.

Consistent with the April 19, 1998 Staff Requirements Memorandum, the consultations with the Agreement State should include a technical basis that includes "realistic scenarios." If realistic scenarios cannot be developed to demonstrate the need for this proposed revision, staff should inform the Commission.

To assist the Agreement States to focus on the salient aspects of this issue, and thereby foster the development of more objective comments, the material provided to the States for review should: show that LLW emplacement criticality is a realistic public health and safety issue; present an analysis that is supported by the results of recent technical assessments that have been done on emplacement criticality of LLW; include the emplacement criticality guidance that is currently under development; and, provide a staff assessment of the potential resource impacts on Agreement States as a result of assuming what is predominantly a Federal level technical capability.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
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