

April 1, 1999

MEMORANDUM William D. Travers
TO: Executive Director for Operations
FROM: J. Samuel Walker, 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 29, 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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