

(SP-99-048, July 1999, Program, Emplacement Criticality Safety, 10 CFR 61.16(b)(2))
DATED: JULY 22, 1999; SIGNED BY: PAUL H. LOHAUS

ALL AGREEMENT STATES
MINNESOTA, OHIO, OKLAHOMA, PENNSYLVANIA, WISCONSIN

**PROGRAM MANAGEMENT INFORMATION: PROPOSED COMPATIBILITY CHANGE
TO 10 CFR 61.16(b)(2) AND DRAFT GUIDANCE FOR EVALUATING EMPLACEMENT
CRITICALITY SAFETY (SP-99-048)**

I am providing notification and opportunity to review and provide comments on a draft Federal Register (FR) notice. The notice requests comment on a proposal to revise the compatibility of 10 CFR 61.16(b)(2) and on the guidance to be applied in evaluating emplacement criticality at low-level waste (LLW) disposal facilities.

We ask that you provide comments on the draft FR notice by August 23, 1999 directly to the contact below. The document is predecisional and it is only available at the Agreement State area at the NRC's Technical Conference Form <http://techconf.llnl.gov/cgi-states/topics> via the NRC Home Page <http://www.nrc.gov>. The draft FR notice is marked: "PREDECISIONAL DRAFT INFORMATION FEDERALLY PROTECTED NOT FOR PUBLIC DISCLOSURE."

Due to its predecisional nature, this draft is exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the draft publicly. If this draft is released, please inform me or the contact named below within 24 hours. For additional information about distribution and use of predecisional information, please see All Agreement States letters SP-99-019 and SP-99-027 available at the Agreement State web site, <http://www.hsrcd.ornl.gov/nrc/home.html>.

We also request Agreement State views on the following:

- a) Are there realistic scenarios that show LLW emplacement criticality is a public health and safety issue?
- b) What are the potential resource impacts on Agreement States as a result of assuming what is predominately a Federal level technical capability?

If you have any questions regarding this letter or the draft document, please contact me or the individual named below.

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