

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook  
Secretary of the Commission

**FROM:** CHAIRMAN MESERVE

**SUBJECT:** SECY-99-272 - AGREEMENT STATE COMPATIBILITY FOR  
CRITICALITY REQUIREMENTS APPLICABLE TO LOW-  
LEVEL WASTE DISPOSAL FACILITIES

Approved   X   Disapproved            Abstain           

Not Participating            Request Discussion           

**COMMENTS:**

Although the likelihood of an emplacement criticality event from SNM is small, it does not appear that the burden associated with addressing the risk is very significant. The three states with LLW disposal facilities have addressed emplacement criticality as part of their LLW regulatory programs and no state submitted comments opposing the staff's proposed compatibility designation. In light of these facts, I approve the staff's plan to change the compatibility designation of 10 CFR 61.16(b)(2) from category "NRC" to category "Health and Safety" and I approve the issuance of the guidance document.

  
\_\_\_\_\_  
SIGNATURE

  December 20, 1999    
DATE

Entered on "AS" Yes            No