

September 6, 2002

Mr. William J. Sinclair, Chair  
Organization of Agreement States  
Division of Radiation Control  
Department of Environmental Quality  
168 North 1950 West  
P. O. Box 144850  
Salt Lake City, UT 84114-4850

Dear Mr. Sinclair:

I am responding to your July 26, 2002 letter regarding membership of the Management Review Board (MRB) under the Integrated Materials Performance Evaluation Program (IMPEP).

We are deferring, at this time, a response to your request that Agreement State Liaisons to the MRB have voting rights. The Commission has asked the Office of the General Counsel (OGC) to look into this matter. We will provide a response after OGC completes its response to the Commission.

Regarding the issue of MRB membership, the IMPEP process was developed to aid the Commission in making determinations of adequacy and compatibility. IMPEP was intentionally designed to provide not only a common process and objective set of criteria for the determinations, but also a process that is known, open and scrutable. The Director, Office of State and Tribal Programs (STP), has been delegated responsibility for making recommendations on the determinations of the adequacy and compatibility of Agreement State programs. Since the Director, STP, has programmatic responsibility for the adequacy and compatibility recommendations, it is important that the Director serve as a voting member of the MRB and participate in its decision process. The fact that the Director, STP, is also responsible for the Agency's implementation of the Agreement State Program does not present a conflict of interest. While I have been on the MRB, as both a member and as chairman, decisions have been made that are fair and equitable. The membership of STP and the other offices on the MRB and the participation of the Agreement State Liaison have provided decisions that have been balanced. In my experience on the MRB, there has never been a close vote.

I appreciate your comments on the IMPEP process and look forward to our continuing to work cooperatively with the Organization of Agreement States in the future.

Sincerely,

*/RA/*

Carl J. Paperiello  
Deputy Executive Director  
for Material, Research and State Programs

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Carl J. Paperiello  
 Deputy Executive Director  
 for Material, Research and State Programs

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