

## SUMMARY OF COMMENTS ON SA-106, "THE MANAGEMENT REVIEW BOARD"

### I. Sent to the Agreement States for Comment: June 23, 2003 (STP-03-048)

**Comments / Dated:** North Dakota - June 24, 2003 (e-mail)  
Minnesota - June 24, 2003 (e-mail)  
Georgia - July 11, 2003 (e-mail; no comments)

#### Response to/Resolution of Comments:

##### North Dakota

Comment: One correction to the revised STP-03-048. The statement **should also clearly documented** in line 5 should have the word 'be' added before 'clearly'.

Response:  
This correction will be made.

##### Minnesota

Comment: I looked at the changes to the procedure. The only change that struck as needing some attention was in paragraph E.

- E. The Organization of Agreement States (OAS) is responsible for specifying a representative to serve as a member of each MRB, as a non-voting Agreement State Liaison. In this capacity, the State representative receives applicable documentation and engages in all MRB discussions. The Agreement State Liaison representative is expected to provide an Agreement State perspective on any matter that is discussed or voted on by the MRB. An additional OAS Liaison may be requested to participate in a specific MRB meeting if an additional State perspective is desirable.

This begs the question: Who can request the additional member? Is it the Agreement State or the MRB chair or members? Or, all of the above?

Can I assume that the OAS will add the person on a non-biased basis? I hope so. Otherwise, the meetings could get a tad spicy.

What I fear is that a dissenting State could attempt to stack the deck. That is why I ask the questions. I suppose it could work the other way - which is the intent.

Response:  
The intent of this statement is to allow the MRB to request an OAS Liaison with specific expertise or experience. This language will be revised to better specify that it is the MRB who would make this request.

## **II. Sent to the NRC Offices for Comment: June 23, 2003**

**Comments Dated:** Region III - July 16, 2003 (e-mail)  
NMSS - July 21, 2003  
Region II - July 30, 2003 (no comments)

### **Region III**

Comment: In the "Introduction" paragraph, the following sentence was added: "For Regions, these findings include decisions regarding heightened oversight." This sentence conflicts with other parts of the procedure and with SA-122 "Heightened Oversight."

NMSS provides continuous monitoring of Regional materials programs and would not need heightened oversight, as described.

Response:

We agree with this comment and this sentence will be removed.

### **NMSS**

Comment 1: Page 3, Part IV, Roles and Responsibilities: Item A indicates that the MRB is responsible for providing the senior level review. It would provide greater clarity to specify what is being reviewed. In particular, should the MRB role be limited to review of individual IMPEP reports, or should it undertake periodic program assessments as well?

Response:

The MRB's primary role is establishing the adequacy of Agreement State Programs and NRC Regions, as well as the compatibility of Agreement State Programs. In addition, they can set precedents and decide upon significant changes to the IMPEP process. The language in this paragraph will be revised to be more detailed.

Comment 2: Page 3, Part IV, Roles and Responsibilities: Item D does not accurately describe the responsibilities of NMSS, since NMSS does not coordinate the MRB. Suggest rewording in the following manner: "Specific NMSS responsibilities are described in Part V.C (page 7)."

Response:

We agree with this comment and the change will be made.

Comment 3: Page 4, Part V. A, MRB: What category are MRB meetings with respect to public involvement? Are they Category 3 and should we allow members of the Public to ask questions of the NRC (and the Agreement State representative)?

Response:

From the "Commission Policy Statement on Staff Meetings Open to the Public," C. Applicability and Exemptions, 1:

"This policy applies solely to NRC staff-sponsored and conducted meetings and not to meetings conducted by outside entities in which NRC staff members might attend and participate. It does not apply to Commission meetings or to meetings sponsored by offices that report directly to the Commission. Similarly, it does not apply to meetings between NRC staff and representatives of State government, including Agreement State representatives, relating to NRC Agreement State activities or to State regulatory actions or to other matters of general interest to the State or to the Commission; that is, matters other than specific NRC licensing or regulatory actions involving specific licensees.

Thus, MRB meetings are not required to follow the guidance in the policy. However, the public may attend MRB meetings, but only to observe. The procedure will be revised to clarify this issue.