



Organization of Agreement States

Stanley Fitch, Chair, New Mexico
Jared Thompson, Chair-Elect, Arkansas
Pearce O'Kelley, Past Chair, South Carolina
Gary Robertson, Treasurer, Washington
Kenneth Weaver, Secretary, Colorado

PO Box 913
Sandia Park, NM 87047-0913

August 25, 2004

Paul H. Lohaus, Director
Office of State and Tribal Programs
Mailstop O3 C10
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Dear Mr. Lohaus:

As you probably recall, a resolution was passed at the 2003 meeting of the Organization of Agreement States (OAS) regarding the formation of working groups under NRC Management Directive 5.3. This letter is written to formally notify NRC of the resolution. A copy of the resolution is attached for your reference.

Noteworthy points of the resolution include:

- All working groups established for shared and common activities that include both Agreement State members and NRC members should, to the extent practicable, be established and conducted in accordance with Management Directive 5.3, unless the working group is established for routine NRC rulemaking activities or unless other expectations for the working group are specifically set out in writing at the time the working group is formed.
- All Agreement State/NRC working groups established pursuant to Management Directive 5.3 must have co-chairs, with one representing the Agreement States and one representing NRC.
- NRC and state members of working groups must be knowledgeable in the implementation of Management Directive 5.3 and, prior to any working group's initiation of work on its objectives, there is a clear understanding of the duties and expectations of each member of the working group.

The OAS requests that NRC engage the Agreement States to further consider the resolution, in determining the appropriateness of amending Management Directive 5.3 to wit. Thank you for your consideration.

Respectfully,

Stanley Fitch, Chair
Organization of Agreement States, Inc.

cc: Kenneth L. K. Weaver, OAS Secretary

04 AUG 26 PM 1:20

STP

STP-006 Template
RIDS: SPDZ

Resolution on Working Groups

Proposed by Richard Ratliff and Ruth McBurney of Texas.

Passed by the OAS membership during its business session on October 15, 2003 in Oak Brook, Illinois.



Organization of Agreement States

Whereas: The Integrated Materials Performance Evaluation Program (IMPEP) is a successful example of the Agreement State Programs and the U.S. Nuclear Regulatory Commission working together as partners to evaluate regulatory programs on a performance basis; and

Whereas: IMPEP involves planning, review, evaluation, and formulation of recommendations by each member of an IMPEP team, both Agreement State members and NRC members; and

Whereas: The IMPEP Management Review Board consists of both Agreement State and NRC management representatives; and

Whereas: The IMPEP Management Review Board reviews and evaluates the recommendations of IMPEP teams; and

Whereas: Decisions and recommendations of the Management Review Board have implications and impact on future IMPEP reviews; and

Whereas: The Management Review Board has directed NRC staff and Agreement State staff to coordinate to resolve regulatory issues raised during IMPEP reviews; and

Whereas: NRC has developed, with input from the Agreement States, Management Directive 5.3, concerning Agreement State/NRC working groups; and

Whereas: Management Directive 5.3 establishes the procedures for establishing working groups, conducting business of working groups, and handling and distribution of working group products; and

Whereas: IMPEP and working groups established under Management Directive 5.3 embody the tenets of a true national materials program with regard to coordination and cooperation between Agreement States and NRC,

Now therefore, be it resolved that: All working groups established for shared and common activities that include both Agreement State members and NRC members should, to the extent practicable, be established and conducted in accordance with Management Directive 5.3, unless the working group is established for routine NRC rulemaking activities or unless other expectations for the working group are specifically set out in writing at the time the working group is formed; and

Be it further resolved that: All Agreement State/NRC working groups established pursuant to Management Directive 5.3 must have co-chairs, with one representing the Agreement States and one representing NRC; and

Be it further resolved that: NRC and state members of working groups be knowledgeable in the implementation of Management Directive 5.3 and, prior to any working group's initiation of work on its objectives, there is a clear understanding of the duties and expectations of each member of the working group.