

March 13, 2007

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

I. Sent to the Agreement States for Comment: January 25, 2007 (FSME-07-003)

Comments/Dated: OAS Board of Directors - 2/21/07 (letter)

OAS Board of Directors

Comment:

Suggests the following language be added to Section V., B., 3.:

The Agreement State Liaison and the management of the state under review may communicate with each other prior to the MRB to familiarize the Agreement State Liaison with all particular concerns of the state.

Response:

We appreciate the comment; however, we do not believe it is appropriate to include the suggested language in the procedure. Management Review Board (MRB) members are expected to provide an impartial and objective ruling on an IMPEP review team's findings. All members of the MRB should go into the meeting with essentially the same information on the program under review. Any pertinent information that is shared with one MRB member should be shared with all MRB members, including the Agreement State Liaison. We understand that the Agreement State Liaison is a non-voting member of the MRB and is supposed to provide an objective perspective on all matters, based on experience gained as a manager in an Agreement State Program. Since the NRC provides invitational travel and/or other accommodations to ensure that the program under review has representation at the meeting, we do not believe that it is necessary for any member of the MRB, including the Agreement State Liaison, to be familiarized with any particular concerns of a State or Region in advance of the MRB meeting. We believe that the program representative(s) participating in the meeting have ample opportunity to vocalize their concerns to the MRB. No change to the procedure will be made as a result of this comment.

II. Sent to the NRC Offices for Comment: January 25, 2007

Comments/Dated: OGC - 2/7/07 (markup)
Region IV - 2/14/07 (email)
Region III - 2/15/07 (e-mail)
Region I - 2/22/07 (e-mail - no comments)

OGC

Comment 1:

In IV. A. 1. description of the MRB, I would revise the first sentence so it is clearer that the MRB uses other information than the IMPEP review team's recommendation in assessing the State or NRC's programs. One way to do this would be to edit IV. A. 1. by deleting the comma and the phrase "based on the IMPEP review team's recommendations in the proposed final

report” Then revising IV. A. 1. c. to read “The MRB's overall assessment may include consideration of the IMPEP review team's recommendations in the proposed final report, any information provided by the NRC Region or Agreement State at the MRB meeting, insights provided by the IMPEP team's Agreement State or NRC Regional Liaisons, other NRC offices or the public. Such information could include concerns regarding program decline, inability to retain and/or recruit staff, or inadequate resources for ensuring adequate protection of public health and safety.”

Response:

We agree with this comment. The phrase “based on the IMPEP review team's recommendations in the proposed final report” was deleted from Section IV.A.1., and Section IV.A.1.c. was revised to read as follows:

The MRB's overall assessment may include a consideration of the IMPEP review team's recommendations in the proposed final report, any information provided by the NRC Region or Agreement State at the MRB meeting, and insights provided by the Agreement State Liaison, other NRC Offices, or members of the public. Such information could include concerns regarding program decline, inability to retain and/or recruit staff, or inadequate resources for ensuring adequate protection of public health and safety.

Comment 2:

I would recommend revising IV. F. section describing the Agreement State Liaison by inserting the phrase “An IMPEP team member, who provides ...”

Response:

The Agreement State Liaison is a non-voting member of the MRB that provides an objective perspective on any matter that is discussed or voted on by the MRB, based on experience gained from working for an Agreement State program. The Agreement State Liaison is not an IMPEP team member. No change will be made to the procedure as a result of this comment.

Comment 3:

In Section V. B. 3. delete the word “consent” and replace with the word “opinion.” Consent seems to indicate the liaison has a more formal role than just being an IMPEP team member who also expresses their opinion and “insights” for the MRB to consider.

Response:

We appreciate the comment; however, we disagree. Although the Agreement State Liaison is a non-voting member of the MRB, the MRB often seeks the consent of the Agreement State Liaison in the team's findings, as well as requests his/her insights on certain matters. The role of the Agreement State Liaison is a formal role, and we believe it is important to designate it as such. No change to the procedure will be made as a result of this comment.

Comment 4:

In Section V. C. 2 insert the word “IMPEP” before review team in the first sentence. In the second sentence delete the second “s” in the word “consults”

Response:

We agree with this comment; however, the change is not necessary based on Region IV's Comment 2. No change to the procedure will be made as a result of this comment.

Region IV

Comment 1:

Section V.B.2. I suggest that the participating Regional Administrator be from the Region in which the Agreement State IMPEP was conducted. This would provide the RA with more knowledge of the States in his/her Region.

Response:

We appreciate the comment; however, we disagree. A Regional Administrator from outside of the respective Region of the State under review would be more likely to provide an objective perspective by relating to situations with other States within his/her own Region. We understand that there may be times that a Regional Administrator from the Region that the State under review is geographically located may have to serve on the MRB to ensure that there is Regional representation on the MRB. The procedure was revised, based on comments from Region III, to not rule out this possibility.

Comment 2:

Section V.C.2. First sentence, delete the red words: The review team will present the finding performance indicator by performance indicator.

Response:

We agree with this comment, and the procedure was revised accordingly.

Region III

Comment 1:

Section IV.A.4. Delete subitems a, b, and c. These items are discussed in Section V.E. and V.F.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 2:

Section IV.E. Delete "or designee" as this is stated in subitem 2.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 3:

Section IV.F. For clarity of an important point, a statement should be made in this section to indicate that the Agreement State Liaison is a non-voting entity.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 4:

Section V.B.2. Delete “however, in certain circumstances, the criteria may be disregarded in order to ensure there is Regional representation on the MRB.” See the next comment, below.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 5:

Section V.B.2.a. Add the word “generally” to the paragraph to infer that circumstances may occur in which it is not possible to have a Regional participant from a different Region in which the Agreement State is located.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 6:

Section V.B.2.b. We disagree with this subitem and suggest that it be deleted. For reviews led by a Regional team leader, a restriction to prohibit an MRB representative from the same Region as the team leader is unnecessary. If the restriction was applied to all team leaders, then an FSME manager should be prohibited from an MRB, if the team leader was from FSME. We don't see the need to be this restrictive.

Response:

We agree with this comment, and the procedure was revised accordingly.