

SUMMARY OF COMMENTS

SA-121, "Agreement State Liaison to the Management Review Board"

I. Sent to the Agreement States for Comment: May 11, 2006 (STP-06-043)

Comments/Dated: Kansas - 5/12/2006 (e-mail)
Washington - 5/31/2006 (e-mail-no comments)

Kansas

Comment

Insert a new step (below) after IV.B.3 and renumber the rest of the steps. "4. Coordinates Agreement State Liaison assignments to MRB meetings for special issues or follow-up reviews that are State/Regional specific, including ensuring the same MRB Agreement State Liaison is used when possible."

Response

The comment is included to better delineate the Roles and Responsibilities of the OAS Designee.

II. Sent to NRC Offices for Comment: May 11, 2006

Comments/Dated: OGC - 5/25/2006 (telephone)
NMSS - 6/1/06 (e-mail-no comments)
Region I - 5/25/2006 (e-mail-no comments)
Region III - 5/2/2006 (e-mail-no comments)

OGC

Comment

The word, "voted," should be deleted that is included in the Roles and Responsibilities for the Individual Agreement State Liaisons, (IV.E.2), because it implies that the Agreement State Liaisons vote. Only the MRB has the statutory authority to vote. The MRB activity involves a statutorily-based oversight and decision-making function, i.e., a Nuclear Regulatory Commission (NRC) determination of the adequacy and compatibility of an Agreement State's program as required by Section 274(j)(1) of the Atomic energy Act of 1954, as amended. Giving the Agreement State Liaisons voting rights on the MRB would be a delegation of the NRC's review and decision-making authority and responsibility to State personnel. In order for the NRC to delegate this responsibility it would need the express or implied approval of Congress for such delegation. Therefore, The Roles and Responsibilities for the Individual Agreement State Liaisons should state explicitly that they have no role in voting.

The word, "discuss," should be defined to explain what is meant.

Response

A new item is added at the beginning. The others are renumbered.

1. Do not participate in any voting conducted by the MRB.
2. In IV.E.2 The words, “or voted,” are deleted because the Agreement State Liaisons do not have the statutory authority to vote as discussed above. The wording “any matter discussed” is changed to better define the roles and responsibilities of the Individual Agreement State Liaisons. Therefore, IV.E.2 now reads:
3. Provide Agreement State perspective on any subject brought before the MRB.