

December 21, 2001

ALL AGREEMENT STATES
MINNESOTA, PENNSYLVANIA, WISCONSIN

PROGRAM INFORMATION: MANAGEMENT OF AGREEMENT STATE ALLEGATIONS AND CONCERNS (STP-01- 086)

Following the discussion at the October 2001 Organization of Agreement States (OAS) Meeting on the management of Agreement State allegations and concerns, NRC and Agreement State staff continued dialogue during the October 30, 2001 OAS/NRC teleconference and during a subsequent teleconference on November 20, 2001. During the November 20, 2001 teleconference, we indicated we would provide the States an opportunity to review and comment on the proposed revisions to Management Directive (MD) 8.8, "Management of Allegations." We also agreed to identify key sections.

Enclosed are the proposed revisions to MD 8.8 for your review and comment. We would appreciate your comments* by February 8, 2002. Your close review should be given to MD 8.8, Handbook, pages I-1 thru I-14 and pages I-60 thru I-68. These pages cover the following topics, "Receipt of an Allegation" (pages I-1 thru I-2); "Questions To Be Asked During Contact with the Allegor" (pages I-3 thru I-6); "Protecting an Allegor's Identity" (pages I-7 thru I-9); "Disclosing an Allegor's Identity" (pages I-10 thru I-12); and "Handling of Agreement State Allegations and Concerns" (pages I-60 thru I-68). In addition, you should review the information in MD 8.8, Handbook, Exhibit 8, "Ability of Agreement States to Protect Allegor's Identity from Public Disclosure," (pages E-23 thru E-25). As a part of your review, please provide us with your responses to the following questions:

1. The Handbook, on pages I-1 thru I-2, provides a list of questions that NRC staff should ask the Allegor when receiving an allegation. Do you believe this list of questions is complete and will, if answered, provide the necessary information for an Agreement State to evaluate an allegation or concern referred to the State by NRC? If not, what additional questions should be added to this list? Alternatively, should a separate set of questions, based upon State input, be developed and inserted into the section "Handling of Agreement State Allegations and Concerns" (pages I-60 thru I-68)?
2. The Handbook, pages I-7 thru I-12, discusses NRC's policy on protection and disclosure of an Allegor's identity. Exhibit 8, pages E-23 thru E-25, provides information on the "Ability of Agreement States to Protect Allegor's Identity from Public Disclosure." We would appreciate your reconfirming that the information provided in Exhibit 8 properly reflects your State's position. In providing this information, please confirm that the State's policy and guidance provide that it would only disclose the identity of an Allegor under the conditions discussed on pages I-10 thru I-12 of the Handbook. If not, please

* This information request has been approved by OMB 3150-0029, expiration 06/30/04. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the Information and Records Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

provide clarifying information on the ability of your State to protect an Allegor's identity from public disclosure. If you need additional time to address this issue with your attorneys, please provide comments on MD 8.8 by the February date, and provide the response to this question under separate cover.

3. During the November 20, 2001 teleconference, some State representatives indicated that they did not want allegations or concerns referred to them if the NRC was unable to provide the Allegor's identity. Please indicate whether NRC should continue to refer an allegation or concern to your State when the Allegor requests that his or her identity be withheld. (Please note that any change in policy or procedure may require Commission review and approval.)
4. Based on discussions during the November 20, 2001 teleconference, we plan to insert the following wording at the end of paragraph (b)(i), "Referral of Technical Allegations," on page I-63.

"When the staff receives an Agreement State allegation or concern and the Allegor indicates that he or she will not contact the State directly, then staff should recommend to the Allegor that a NRC-facilitated conference call be held between the Agreement State and the Allegor. If the Allegor agrees, staff would proceed to arrange the conference call with the appropriate Agreement State contact."

Please provide any comments on this proposed insert. In addition, please identify State contact(s) with name(s) and number(s) which would be available to participate in a conference call between the Allegor and NRC staff.

If you have any questions on this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Cardelia Maupin
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/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

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Agreement State File

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PDR (YES✓)

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