

# DEPARTMENT OF NUCLEAR SAFETY

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George H. Ryan  
Governor

Thomas W. Ortziger  
Director



February 8, 2002

Paul H. Lohaus, Director  
Office of State and Tribal Programs  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike, 3<sup>rd</sup> Floor  
Rockville, MD 20852

Re: Program Information: Management of Agreement State Allegations and Concerns  
(STP-01-086)

Dear Mr. Lohaus:

The Illinois Department of Nuclear Safety has reviewed the above-referenced document, together with Management Directive 8.8 "Management of Allegations." The documents provide an opportunity to review and comment on proposed revisions to Management Directive 8.8 (MD 8.8). NRC is revising MD 8.8 to describe how NRC would handle allegations and concerns originating in agreement states. The proposed revision is the result of conversations with the agreement states on October 30, 2001, and November 20, 2001.

MD 8.8 appears to describe an elaborate and bureaucratic NRC process involving many persons, for example office allegation coordinators, allegation review boards, and an agency allegation advisor. It also employs various documents: blue cover sheets for "sensitive allegation material," red sheets for "confidential allegation material," task interface agreements, confidentially agreements.

The Illinois Department of Nuclear Safety believes that this process is far too detailed and prescriptive for efficient application in most states. As such, we are concerned that such a detailed process would become the standard for IMPEP evaluation of agreement states. The Illinois Department of Nuclear Safety believes that the "performance based" IMPEP standard is all that is necessary. The Illinois Department of Nuclear Safety is confident that we handle allegations with the same performance-based effectiveness as NRC prescribes for its staff in MD 8.8.

SP07

Below are our responses to the specific questions in STP-01-086.

1. Adequacy of questions to be asked of alleged. Are the questions adequate to evaluate an allegation or concern originating in an agreement state?

They appear adequate.

2. Protection of an alleged's identity.

We confirm that the Illinois Department of Nuclear Safety is able to protect an alleged's identity as stated in exhibit 8 of MD 8.8 in a manner equivalent to pages I-10 through I-12 of HB 8.8.

3. Does The Illinois Department of Nuclear Safety wish to be informed of anonymous allegations?


Yes. Although we obviously prefer to know the identity of the alleged, we also need to have anonymous allegations referred to us for investigation.

4. Planned additional wording regarding referral of technical allegations to state regulators.

The planned additional wording for paragraph (b)(i) on page I-63 appears reasonable. The Illinois contact for such a conference call would be Tom Seif, Head, Inspection and Enforcement Section, Division of Radioactive Materials. Mr. Seif's telephone number is (217) 785-9932.

Thank you for the opportunity to provide comments on these proposed revisions to (MD 8.8). Please call me at (217) 785-9917 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Klinger" followed by a stylized monogram or initials.

Joseph G. Klinger, Chief  
Division of Radioactive Materials

JGK:JME