



DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF RADIATION CONTROL

Michael O. Leavitt  
Governor  
Dianne R. Nielson, Ph.D.  
Executive Director  
William J. Sinclair  
Director

168 North 1950 West  
P.O. Box 144850  
Salt Lake City, Utah 84114-4850  
(801) 536-4250  
(801) 533-4097 Fax  
(801) 536-4414 T.D.D.  
www.deq.state.ut.us Web

February 7, 2002

Cardelia Maupin  
Office of State and Tribal Programs  
Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Ms. Maupin:

The following comments are in response to a review of STP-01-086 and the issues identified within:

Issue 1: List of Questions To Be Asked During Contact With the Allegor:

The first question to be asked should determine jurisdiction (if this is an Agreement State issue) – Is the allegor aware that the State is an Agreement State? If not, explain what that means and then ask the allegor if the NRC could facilitate a conference call (in accordance with procedures described on I-65) or provide the allegor with a state contact. If the allegor does not want to contact the Agreement State, continue with the question list.

(i) – Should it be made clear as to what telephone number should be given (business or home phone) – consideration needs to be given to “home phone” as an allegor is more likely to speak freely from home and not be compromised or make the allegation on company time, needs to be specific as mailing address is

(ix) – Should this indicate that the allegor has the option of referring issues to the Agreement State (as appropriate) instead of just “the state.” If the allegor has an objection to referring issues to the state, could the question be expanded to ask: “If so, why?” This may be helpful to states in determining if their current allegation processes need to be changed or are there other issues the state needs to be aware of.

Additional question following (xii) – Is the allegor currently employed by the licensee where the allegations are occurring? (This may help identify whether the allegation is being made due to retaliation for termination)

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(xiii) – Should this be more inclusive – after ascertaining if it is a discrimination matter appropriate for Department of Labor, should the question be expanded to ask if anyone else has been contacted (local, state, or federal government agency?) A consideration may be to ask the alleged if they have been subjected to disciplinary action. It could be approached with or after asking about “discrimination”. This may help get a profile on the alleged intentions, and may shed more light on the reason the allegation is being made.

A final question (xiv) could be “Is there any other information you can provide which you believe is important for us to know?” This allows the acceptance of any “general” information the alleged thinks may be important for the investigating agency to determine its worth.

#### Issue 2: Ability of Agreement States to Protect Alleged's Identity from Public Disclosure

On page E-25, the Utah response was listed as “NO” in regards to protecting an alleged's identity from public disclosure. Please change the response to “YES” and remove the remark “information must be labeled confidential.” Discussions with the Utah Attorney General's Office after review of Utah Radiation Control rules, Division of Radiation Control Inspection Guidance Procedures 7.01 and State of Utah Government Records Access rules [UCA 63-2-304 (9)(d)] has resulted in the above response.

#### Issue 3: Issue if the NRC should continue to refer an allegation or concern to your State when the alleged requests that his or her identity be withheld

This is dependent on the information provided to the NRC by the alleged. If the alleged provides vague, general, hearsay or limited information which will not result in the ability to conduct the investigation, Utah will conduct an appropriate, limited investigation, and in most cases, the allegation will be closed. If the information is clear, definitive, and specific to a set of issues or circumstances, Utah will conduct a wider investigation which may lead to other actions, e.g. enforcement against a particular licensee.

The policy question before the NRC is whether the Agency is obligated to send an Agreement State allegation information if the allegation is forwarded in the form described in the first circumstance above (vague, general, hearsay or limited information). This policy question is further defined if a State has requested that such limited information from an alleged not wishing to disclose his/her identity not be forwarded by the NRC to the Agreement State. The third consideration would be if NRC maintains “some responsibility” to investigate if the Agreement State refuses to accept the limited information.

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Utah maintains that it wishes to receive all information, even if limited, which will be treated appropriately. Utah is sympathetic to the position that if the alleged is not willing to provide the necessary information to conduct an adequate investigation, that NRC needs to decide from a policy standpoint of what to do in such circumstances, in the face of the issue that some states do not want the information forwarded at all.

Issue 4: Referral of technical allegations, changes to wording on page I-63 to allow for NRC to recommend a conference call between the NRC, the state and the alleged.

Utah is supportive of this new language. The contacts for Utah would be:

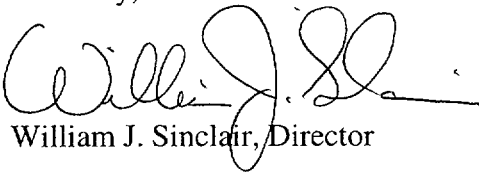
Craig Jones – 801-536-4264 or E mail: [cjones@deq.state.ut.us](mailto:cjones@deq.state.ut.us)

Dane Finerfrock – 801-536-4257 or E mail: [dfinerfr@deq.state.ut.us](mailto:dfinerfr@deq.state.ut.us)

Bill Sinclair – 801-536-4255 or E mail: [bsinclair@deq.state.ut.us](mailto:bsinclair@deq.state.ut.us)

Thank you for the opportunity to provide input to the NRC regarding this important joint issue.

Sincerely,



William J. Sinclair, Director