

# Georgia Department of Natural Resources

4244 International Parkway, Suite 114, Atlanta, Georgia 30354

Lonice C. Barrett, Commissioner  
Environmental Protection Division  
Harold F. Reheis, Director  
(404) 362-2675

February 6, 2002

Paul H. Lohaus, Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Lohaus;

In All Agreement States Letter STP-01-085 NRC requested the States review MD 8.8, especially key sections. Also, as a part of our review, NRC ask that we provide 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?

**Response:** Yes

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.

**Response:** I can confirm that the information in Exhibit 8 reflects our position. If there is a federal law requiring the allegor's identity be protected then we can protect the identity. If the protection of an allegor's identity is based on agency policy, as stated in the question, then Georgia cannot protect the allegor's identity.

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.

**Response:** Yes, continue to refer allegations or concerns to Georgia. The nature of the complaint will inform our actions.

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.

**Response:** I have no objection with the proposed insert. Georgia's contact is Thomas E. Hill, (404)362-2675. In my absence any available Specialist could participate in the conference call and the same telephone number applies.

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In Part I, page I-1, "General Information on the NRC Allegation Management Program," it is noted that there is no threshold for the acceptance of allegations. Also that the decision to close an allegation is made by the Allegation Review Board on a case-by-case basis. In the Georgia Radioactive Materials Program these decisions are made by Program staff in consultation with the Program manager. In unusual cases these decisions are communicated to senior management in the Division.

Also in Part I, page I-64 and I-65, "Referral of Technical Allegations to Agreement States, (8)(b)," the Management Directive stipulates that allegations are to be referred to the states when the allegor does not wish his identity disclosed to the state. And that NRC is to request the Agreement State to provide a response to the regional contact who shares the response with the allegor. The Directive further states that NRC will inform the allegor that NRC will evaluate the response during the next Agreement State program periodic review or IMPEP review, whichever occurs first. Since NRC has the response in hand, why does NRC have to wait until the periodic review or next IMPEP review to evaluate the response? The tone of this text is threatening. It is as if the NRC is holding the periodic review or IMPEP review as a club over the head of, or threat to, the Agreement State program. I suggest that the last sentence in paragraph (8)(b)(vi) on page 65 be deleted.

In Part I, page I-66, "Identification of Allegor," the Directive stipulates that allegations of activities in Agreement States from anonymous sources are to be referred to the Agreement State and the allegation file closed upon completion of the referral. Here, and appropriately so, the Directive does not use the periodic program review or the next IMPEP as a threat.

Thank you for the opportunity to review and comment on the revision of Management Directive 8.8 "Management of Allegations." If there are questions relative to these comments, please contact me at (404)362-2675 or e-mail at [thill@mail.dnr.state.ga.us](mailto:thill@mail.dnr.state.ga.us).

Sincerely,



Thomas E. Hill, Manager  
Radioactive Materials Program