



## Texas Department of Health

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U.S. Nuclear Regulatory Commission  
Office of State and Tribal Programs  
Mail Stop 0-3-C10  
Washington, DC 20555-0001

Attn: Paul H. Lohaus, Director

Dear Mr. Lohaus:

This is in response to your request for comment on the proposed revisions to Management Directive 8.8, "Management of Allegations." Our comments address areas where our actions differ from Nuclear Regulatory Commission (NRC) actions or where we disagree with the proposed actions. We have not commented on actions that are compatible, that we agree with, or that do not apply to our state program. We have answered each question and commented on specific parts by page numbers.

Our program refers to allegations and allegers as complaints and complainants. All complaint investigations are performed unannounced.

Question 1. The list of questions should provide the necessary information to investigate a complaint. We do not think a separate set of question need to be developed and inserted into the section "Handling of Agreement State Allegations and Concerns."

Question 2. We will not disclose a complainant's identity as long as the complaint is under investigation. After the investigation is completed and the complaint is closed, the complainant's identity will be disclosed only in response to an Open Records Request.

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We do not contact a complainant again within 30 days of the complaint. If the complainant is not anonymous, they will be contacted and informed of the results of our investigation. This is normally completed within 30 days of receipt of a complaint.

If additional concerns from the same complainant are received after the initial concerns are received, the additional concerns are made part of the original complaint. If the additional concerns are received after an investigation has been conducted, another investigation is conducted, if necessary, and the results are made part of the original complaint, another complaint file is not opened. Receipt of the additional concerns are not acknowledged in a letter to the complainant.

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At the time of our unannounced investigation of a complaint, the licensee is told that we are investigating a complaint. If the complainant has not requested anonymity, the identity of the complainant may be revealed.

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See comment above. When the licensee is informed of the complaint during an investigation, no information leading to the identity of the complainant is included.

Not sure who internal NRC staff are. All incident and complaint investigators have access to the information in complaint files.

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Correspondence is issued by the assigned investigator of the complaint. We do not transmit correspondence in sealed envelopes.

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If a complainant requests anonymity we will disclose their identity only in response to an open records request. If an open records request is received, the identity will be disclosed if the investigation has been completed. The only way a complainant can be assured we will not disclose their identity, is if we do not have their identity.

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We do not notify a complainant if their identity has been disclosed.

Question 3. The Nuclear Regulatory Commission should continue to refer all complaints to Texas. If the complainant wishes to remain anonymous, the identity of the complainant should not be included with the complaint unless it is necessary to interview the individual(s).


Question 4. If the complainant will not notify Texas directly, we do not feel that a conference call is necessary. Indicate to the complainant that the complaint will be referred to Texas, and that it will be investigated, based on Texas' interpretation of the complaint.

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If a complaint is referred to Texas, it will not be referred to the licensee, but it will be investigated.

If you have any questions, please contact Brad Caskey at 512-834-6688 ext2020.

Sincerely,

  
Richard Ratliff, P.E., Chief  
Bureau of Radiation Control