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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 31, 1997

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 1, 2  
FOIA- 2005-0800

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SUBJECT: ALLEGATION - NMSS-97-A-0025  
UNITED NUCLEAR CORPORATION - CHURCH ROCK URANIUM MILL

7C Dear

On July 8, 1997, Mr. Levon Benally of the Navajo Superfund Project advised the Nuclear Regulatory Commission staff of concerns you have about the United Nuclear Corporation (UNC) Church Rock site. The Nuclear Regulatory Commission has certain procedures for dealing with public concerns that are considered "allegations." In the present case, your concerns are being treated as an allegation. I have abbreviated and summarized what we understand to be your concerns as follows:

1. Records concerning cleanup of windblown tailings (specifically, the radiation survey taken after the tails had been cleaned up) were intentionally falsified at the direction of your supervisor to show that radiation was down to acceptable levels instead of the elevated levels given by the instruments.
2. You [ ] harassed after you reported the concern to UNC management, and you were terminated from your employment.

If that description is not a complete and accurate summary of your concerns, please contact me immediately.

It is the policy of the NRC normally not to disclose the identity of a person providing information to NRC (an "allegor") to any organization, individual, or the public. However, there are certain limitations or exceptions, the occurrence of which might result in the disclosure of your identity.

Those limitations or exceptions are as follows: (1) you have no objection to your identity being disclosed; (2) disclosure is necessary in the event of an emergency (danger to public health or safety); (3) disclosure is necessary to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust; or (4) you have taken actions that are inconsistent with and override the purpose of protecting your identity, e.g., disclosing your identity and the allegation to the media. For allegations involving wrongdoing (including harassment and intimidation), your identity may be disclosed at the NRC's discretion in order to pursue the investigation.

While we will endeavor to protect your identity to the extent possible, except as noted above, you should understand that you are not considered a confidential source unless confidentiality has been formally granted in writing. For your reference, I am enclosing a copy of a brochure entitled "Reporting Safety Concerns to the NRC," which provides additional information.

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You may have a personal remedy for any discrimination available to you that you may pursue at your own election. Section 211 of the Energy Reorganization Act of 1974, as amended, provides a procedure for any employee to seek a remedy for a violation of Section 211. If you believe that you have been discharged or discriminated against for engaging in protected activities, you may file a complaint with the Department of Labor, Occupational Safety and Health Administration (OSHA), within 180 days after the alleged violation. **YOU MUST FILE SUCH A CLAIM WITHIN 180 DAYS**, or it is barred. You must file the claim personally. NRC cannot do it for you. Section 211 sets out the activities that are protected. They may include: (1) the employee's providing his or her employer information about an alleged violation of the Energy Reorganization Act or the Atomic Energy Act; (2) refusing to engage in any practice made unlawful by those statutes if the employee has identified the alleged illegality to the employer; (3) testifying before Congress or in any Federal or State proceeding regarding any provision of those statutes; (4) commencing, or causing to be commenced (or preparing to do so) a proceeding under those statutes or a proceeding to enforce any requirement under the statutes; (5) testifying or preparing to testify in any such proceeding; and (6) assisting or participating (or preparing to do so) in any manner in such a proceeding or in any other action to carry out the purposes of the statutes.

Your concerns are being forwarded to NRC's Region IV office in Arlington, Texas, which office has responsibility for that geographic area. Your new point of contact with regard to this matter is:

Mr. Russell Wise  
 Allegation Coordinator  
 U. S. Nuclear Regulatory Commission  
 Region IV  
 Harris Tower  
 611 Ryan plaza Drive, Suite 400  
 Arlington, TX 76011-8064

Telephone: (817) 860-8245 or 1-800-695-7403

The Region IV office will inform you of further actions in this case. If any of the above is in any way inconsistent with your understanding, if you feel that we have not fully and accurately characterized your concern, or you have any questions, you may contact Mr. Wise, or you may contact me directly at (301) 415-7877.

Sincerely,



Robert L. O'Connell  
 Allegation Coordinator  
 Office of Nuclear Material Safety  
 and Safeguards

~~cc: R. Wise, RIV~~