



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 9, 1998

ALL AGREEMENT STATES
MINNESOTA, OHIO, OKLAHOMA, PENNSYLVANIA, AND WISCONSIN

TRANSMITTAL OF STATE AGREEMENTS PROGRAM INFORMATION (SP-98-097)

Your attention is invited to the following:

INCIDENT AND EVENT INFORMATION.....

PROGRAM MANAGEMENT INFORMATION...XX THE PROTECTION OF THE
IDENTITY OF ALLEGERS FROM
PUBLIC DISCLOSURE

TRAINING COURSE INFORMATION.....

TECHNICAL INFORMATION.....

OTHER INFORMATION.....

Supplementary information: As part of our process of referring allegations to Agreement States, we provide as much information as we can. When authorized by the allegor or when disclosure is necessary because of an overriding safety issue, we will provide the name and other personal information concerning the allegor. Our expectation is that there would be limited distribution of such documents and that the State would have the legal authority and would make all reasonable efforts to protect the identity of the allegor. However, some questions have been raised regarding the legal authority of some Agreement States to protect this information. For example, recently, an Agreement State requested that when we refer allegations that we clearly mark the package and documents with the statement, "Please keep confidential." The State indicated that without these markings that their regulations would require that all documents be released to the public, which may include the allegor's identity. However, under the Nuclear Regulatory Commission (NRC) regulations and practices, the term "confidential" has a very specific meaning and most allegation-related documents are not classified as confidential. Therefore, we are seeking information from all the Agreement States on their ability to protect allegation information, especially the identity of allegors from public disclosure.

The NRC policy with regard to the disclosure of an allegor's identity, as noted in Management Directive 8.8, Management of Allegations, is that the NRC intends to take all reasonable efforts not to disclose the identity of an allegor outside the agency, including the purging of names and other potential identifiers of allegors in information provided under the Freedom of Information Act, to the extent consistent with the act. There are limited instances in which the NRC discloses an allegor's identity. They are:

- The allegor has clearly indicated no objection to being identified.
- Disclosure is necessary because of an overriding safety issue.

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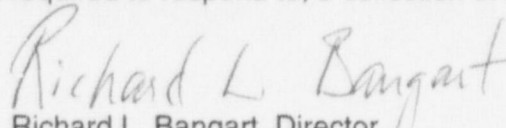
- Disclosure is necessary pursuant to an order of a court or NRC adjudicatory authority or to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust.
- Disclosure is necessary in furtherance of a wrongdoing investigation, including an investigation of harassment and intimidation allegation.
- Disclosure is necessary to support a hearing on an enforcement matter.
- The alleged has taken actions that are inconsistent with and override the purpose of protecting the alleged's identity.

Is your State's policy with regard to protecting alleged's identity similar to that of the NRC described above? Please provide information regarding your State's laws, procedures or policies regarding the disclosure of an alleged's identity. For example, some States require specific labeling of allegation material received from the NRC in order to withhold documents in accordance with individual State public disclosure laws. We request information about whether your State laws contain requirements for labeling, or whether specific labeling would assist in meeting the intent of the NRC label, "Sensitive Allegation Material," and the protection of an alleged's identity. In addition, a copy of the pertinent State law, procedure and/or policy regarding the public disclosure of this information is requested.

We would appreciate a response to this letter by January 22, 1999. If you have questions regarding this correspondence, please contact me, or the individual named below.

POINT OF CONTACT:	Cardelia H. Maupin
TELEPHONE:	(301) 415-2312
FAX:	(301) 415-3502
INTERNET:	CHM@NRC.GOV

This information request has been approved by OMB 3150-0029, expiration April 30, 2001. The estimated burden per response to comply with this voluntary collection request is 3 hours. Forward any comments regarding the burden estimate to the information and Records Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0052), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.


Richard L. Bangart, Director
Office of State Programs

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Original Signed By
RICHARD L. BANGART
 Richard L. Bangart, Director
 Office of State Programs

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*** SEE PREVIOUS CONCURRENCE.**

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