

(SP-99-042, June 1999, Program, SA-400)

**DATED: JUNE 21, 1999**

**SIGNED BY: PAUL H. LOHAUS**

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

**PROGRAM MANAGEMENT INFORMATION: DRAFT OSP PROCEDURE SA-400,  
"MANAGEMENT OF ALLEGATIONS" (SP-99-042)**

Enclosed for your review and comment is the draft OSP Procedure SA-400, "Management of Allegations." The document has been drafted to incorporate procedures for the management of allegations received by OSP staff involving Agreement State licensees, concerns involving alleged performance or alleged wrongdoing by an Agreement State employee below the Radiation Control Program (RCP) Director, and concerns involving Agreement State program performance or alleged performance or alleged wrongdoing by the RCP Director. We ask that you carefully review the information in Appendix B, "Ability of Agreement States to Protect Allegor's Identity from Public Disclosure." This appendix reflects information received from you in response to All Agreement States Letter, SP-98-097, "The Protection of the Identity of Allegers from Public Disclosure," dated December 9, 1998. We would appreciate receiving your comments within one month of receipt of this document.

This information request has been approved by OMB 3150-0029, expiration 04/30/01. The estimated burden per response to comply with this voluntary collection request is 6 hour(s). Forward any comments regarding the burden estimate to the Information and Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), 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.

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

Paul H. Lohaus, Director  
Office of State Programs

Enclosure:  
As stated



## OSP Procedure Approval

### ***MANAGEMENT OF ALLEGATIONS - SA-400***

D R A F T

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Issue Date:

Expiration Date:

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Paul H. Lohaus  
*Director, OSP*

*Date:*

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*Deputy Director, OSP*

*Date:*

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Cardelia H. Maupin  
*Procedure Contact, OSP*

*Date:*

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#### ***NOTE***

***The OSP Director's Secretary is responsible for the maintenance of this master copy document as part of the OSP Procedure Manual. Any changes to the procedure will be the responsibility of the OSP Procedure Contact. Copies of OSP procedures will be distributed for information.***



**Procedure Title:**  
*Management of Allegations*  
**Procedure Number: SA-400**

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## **I. INTRODUCTION**

This procedure describes the process to be followed in handling: (1) allegations involving Agreement State licensees, (2) concerns involving alleged performance or alleged wrongdoing by an Agreement State employee other than the Radiation Control Program (RCP) Director, and (3) concerns involving Agreement State program performance or alleged performance or alleged wrongdoing by the RCP Director.

## **II. OBJECTIVES**

To assure allegations involving Agreement State licensees and alleged concerns involving Agreement State programs and employees are properly and expeditiously handled.

## **III. BACKGROUND**

On May 1, 1996, Management Directive (MD) 8.8, "Management of Allegations," was issued, which updated agency procedures for handling allegations. MD 8.8 was further revised on February 4, 1999 to provide additional updated information. MD 8.8 provides guidance on handling allegations involving Agreement State licensees and directs staff to refer allegations concerning performance or wrongdoing issues involving Agreement State employees to the Office of State Programs (OSP) for appropriate handling. This internal procedure provides further guidance to OSP staff in handling such allegations and concerns in accordance with Commission direction provided in "Staff-Requirements Memorandum (SRM) - SECY-98-192-Resolution of Allegations Concerning the Performance of Agreement State Programs," dated December 8, 1998. This SRM provided the following:

"Continue entry into the allegation management system of allegations concerning Agreement State licensees and closure of that allegation after review by Regional Allegation Review Boards (ARBs) and transfer to the appropriate RCP Director. Allegations concerning Agreement State performance or wrongdoing would be treated as concerns, and transferred through correspondence from the Office of State Programs (OSP), rather than treated as an allegation. Absent a credible health and safety concern, Agreement State program performance concerns, or performance or wrongdoing concerns involving the RCP Director, would be referred to either the Agreement State Inspector General (IG), Attorney General (AG), or senior line management above the



RCP Director level, as appropriate, based on a decision by OSP using criteria to be developed, without convening an ARB. Allegations concerning employee performance or wrongdoing, except that of the RCP Director, should be initially referred to the RCP Director. Should NRC subsequently find the matter to not have been appropriately followed up, the matter can be re-referred by the NRC to the line management over the RCP Director or to the IG or AG. The alleged would be informed of the referral. NRC action to conduct a special evaluation of the adequacy and compatibility of an Agreement State program should be initiated when significant, valid safety concerns are identified.”

#### **IV. ROLES AND RESPONSIBILITIES**

##### **A. The Director, Office of State Programs (OSP):**

1. Implements the responsibilities outlined in MD 8.8, Section 8.8- 0310, page 7, Revised: February 4, 1999.
2. Approves policies and procedures concerning the management of alleged concerns regarding Agreement State employees or programs and licensees in OSP.
3. Ensures that policies and procedures in MD 8.8 and in this procedure are implemented by OSP staff.
4. Assigns a staff member to serve as the OSP Allegations Coordinator (OSP OAC).
5. Determines appropriate action for each allegation or concern assigned to OSP in accordance with Section V. “Guidance,” of this procedure.

##### **B. The OSP OAC:**

1. Carries out the applicable responsibilities of the OAC as outlined in MD 8.8, Section 8.8-0313, pages 10 -11 and Handbook 8.8.
2. Assures the proper coordination and handling of each allegation or concern in accordance with MD 8.8 and this procedure.



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3. Assures the proper referral to the appropriate Regional Office Allegation Coordinator of allegations regarding Agreement State licensees received by OSP.
4. Provides advice, guidance, and assistance to OSP management and staff in the implementation of the policies and procedures in MD 8.8 and in this procedure.
5. Reviews and/or prepares OSP correspondence involving concerns or allegations.
6. Maintains the official agency files on Agreement State program performance and wrongdoing concerns assigned to OSP, including establishing a file record, and assigning a control number.
7. Provides input to IMPEP team members when reviewing the common performance indicator, "Response to Incidents and Allegations in Agreement States."
8. Consults and coordinates with the Agency Allegation Advisor (AAA), Assistant AAA, OI staff and other OAC's on allegations or concerns involving Agreement States, as appropriate.
9. Reviews freedom of information act requests for any potential allegation or alleged concerns material.
10. Provides information to allegers regarding allegation or concern follow-up and resolution in accordance with MD 8.8.
11. Develops OSP allegation management procedure.
12. Schedules and participates in meetings regarding allegations or concerns and the preparing of meeting minutes, as appropriate.



**C. All OSP staff:**

1. Maintain a working knowledge of the general policies and procedures in MD 8.8 and this procedure.
2. Record the receipt of any allegation in as much detail as possible, see Appendix A, "Allegation Report."
3. Take proper measures to protect allegation materials, especially, the identity of the allegor and confidential sources, when receiving an allegation from an allegor, handling or generating information relating to concerns or allegations, (e.g., documents identifying an allegor are not placed in the public document rooms, docket files, central files or the Document Control System). Please refer to pages 1-17 of MD 8.8, Handbook, Part I.
4. Provide all information received on Agreement State allegations or concerns directly to the OSP OAC within five days of receipt.
5. Consult the OSP OAC when in doubt regarding allegations or concerns involving Agreement States.

**V. GUIDANCE**

**A. ALLEGER'S IDENTITY PROTECTION WHEN MAKING REFERRALS TO AGREEMENT STATES**

Before making any referrals to an Agreement State, all reasonable efforts should be made to inform the allegor(s) of the referral in accordance with Handbook 8.8. In addition, staff should determine the ability of the State to protect the identity of the allegor by referring to Appendix B, "Ability of Agreement States to Protect Allegor's Identity from Public Disclosure." When contacting the allegor, staff should inform the allegor of the NRC's planned referral of the allegation or concern to the State, inform the allegor of the State's ability to protect his/her identity from public release, and inquire whether the allegor wishes for his/her identity to be released to the State. Based upon the allegor's response, staff should follow the guidance in Handbook 8.8, pages 35-37, concerning referrals to Agreement States and the protection of the allegors' identity.



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**B. PROCESSING ALLEGATIONS INVOLVING AGREEMENT STATE LICENSEES**

1. Allegations which involve an Agreement State licensee received by OSP staff will be forwarded to the OSP OAC within five days of receipt.
2. The OSP OAC will inform the appropriate Regional OAC or Regional State Agreements Officer (RSAO) by phone or e-mail of the receipt and referral of the allegation. The allegor will also be informed of the referral and of the NRC contact regarding the handling of the concerns.
3. The OSP OAC prepares a memorandum to transmit the allegation to the appropriate Regional Allegations Coordinator. The memorandum should include a header "Not for Public Disclosure." The memorandum should not disclose the identity of the allegor see Appendix C.
4. The distribution should follow MD 8.8 direction "only to those with a need to know." OSP distribution includes a copy with attachments to the Allegations File, and a copy of the cover memorandum w\o attachments to all others identified on the distribution list. (Sample transmittal memorandum attached as Appendix C)

**C. PROCESSING ALLEGATIONS INVOLVING INTIMIDATION AND HARASSMENT AND OTHER ALLEGED VIOLATIONS UNDER THE ENERGY REORGANIZATION ACT OF 1974 (ERA), SECTION 211**

The OSP OAC should refer the allegations to the appropriate Regional Office for action according to paragraph A, "Processing Allegations Involving Agreement State Licensees." In accordance, with a memorandum dated July 26, 1995 (Appendix D), this allegation should be referred to the Agreement State RCP the same as other allegations involving an Agreement State licensee. In accordance with Handbook 8.8, staff should also inform the allegor of his/her rights under Section 211 of ERA.

**D. PROCESSING CONCERNS INVOLVING AGREEMENT STATE PERFORMANCE OR WRONGDOING**

1. Referrals to Agreement State Officials
  - (a) Referrals to RCP Directors and to Senior Line Management above the RCP will be transferred through OSP correspondence.



- (b) Referrals to Agreement State IG or AG offices will be transferred through OI correspondence.

## 2. Referral Criteria

- (a) Referrals to RCP Director:

- (i) Alleged performance or wrongdoing concerns involving Agreement State employees below the RCP Director should be referred to the RCP Director. (Sample transmittal letter attached as Appendix E)
- (ii) Alleged performance concerns involving the Agreement State program, should be initially referred to the RCP Director. (Sample transmittal letter attached as Appendix E)

- (b) Referrals to Senior Line Management above RCP Director:

- (i) Alleged wrongdoing or performance concerns involving the Agreement State RCP Director should be referred to Senior Line Management above the RCP Director.
- (ii) Alleged employee wrongdoing or performance concerns involving the Agreement State program or employees, that were previously referred to the RCP Director, and which have not been appropriately addressed, should be referred to Senior Line Management above the RCP Director. (Sample transmittal letter attached as Appendix E)

- (c) Referrals to State IG or AG.

- (i) Alleged employee wrongdoing or performance concerns involving the Agreement State program or employees, that were previously referred to Senior Line Management above the RCP Director, and which have not been appropriately addressed, should be referred to the State IG or AG.
- (ii) Alleged wrongdoing or performance concerns involving Senior Line Management above the RCP Director, should be referred to the State IG or AG.



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- (iii) Alleged employee wrongdoing or performance concerns involving an Agreement State program which has demonstrated a disregard for investigating and handling alleged concerns, should be referred to the State IG or AG.
- (iv) Alleged wrongdoing or performance concerns, which involve areas of significant regulatory concern as described in Handbook 8.8, Part III, Staff Requirements to Advise OI of Matters of Potential Wrongdoing, should be referred to the State IG or AG.

3. Follow-up and Closure of Referrals

- (a) All referrals to the State should include a request for a response indicating the results or resolution of the matter. Follow-up with the State regarding its response to the referral will be made periodically by the OAC. If after 180 days no response is received from the State, a letter will be sent to the State requesting a response within 30 days. (Sample transmittal letter attached as Appendix F.) If no response is received within 30 days, the referrals made to the RCP Director, will be re-referred to the Senior Line Management above the RCP Director for action. If the referral was made to the Senior Line Management, it will be re-referred to the State AG or IG, as appropriate. If the referral was made to the State AG or IG, the concern will be considered by OSP, either individually, or in consultation with the Management Review Board to determine: whether a special IMPEP review of the State or OI investigation (after Commission approval) should be conducted; 2) whether a letter to a higher Government official should be sent; or 3) whether the concern(s) should be closed. The allegor will be informed of the status of the referrals to the State.
- (b) All allegations involving Agreement State licensees or concerns involving employee or program performance referred to the RCP Director should be addressed at the time of the next periodic meeting or Integrated Materials Performance Evaluation Program (IMPEP) review of the Agreement State, whichever comes first.



**C. OSP MEETINGS--PROCESSING COMPLEX AGREEMENT STATE ALLEGED CONCERNS**

**1. Criteria for holding OSP Meetings**

The OSP Director may hold a meeting to discuss any alleged concern received by OSP. A meeting should be held for all alleged concerns involving an immediate health and safety concern. A meeting should be held if the concern or concerns are generic (have the potential of affecting multiple jurisdictions, i.e., SS&D concern involving multiple jurisdictions or presenting health and safety concerns in multiple jurisdictions). A meeting may be held when the alleged concern or concerns involve more than one category of alleged concern-- performance, wrongdoing, or Agreement State licensee or if there is no clear delineation of the type of concern.

**2. Convening A Meeting**

- (a) Preparations for the meeting including dissemination of pertinent information should be performed by the OSP OAC in coordination with OSP administrative staff.
- (b) Participants at the meeting should include the OSP Director, or designated representative, the OSP OAC or designated representative, representatives from the Office of General Counsel, the Office of Investigations, and other NRC offices (i.e., Office of Nuclear Materials Safety and Safeguards, and NRC Regional Offices), as appropriate.
- (c) The guidance in Handbook 8.8, Part I, applicable to Allegation Review Board Meetings will be followed.



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## **VI. APPENDICES**

Appendix A - Allegation Report

Appendix B - Ability of Agreement States to Protect Allegor's Identity from Public Disclosure

Appendix C - Sample OSP Allegation Transmittal Memo

Appendix D - Letter Re: DOL Findings Against Agreement State Licensees

Appendix E - Sample Letter Referring Allegation to State RCP Director, Senior Line Management, State IG or AG

Appendix F - Sample Follow-up Letter for Referrals Over 180 Days to State RCP Director, Senior Line Management, State IG or AG

## **VII. REFERENCES**

1. MD 8.8, "Management of Allegations," and associated Handbook 8.8, (Revised: February 4, 1999).
2. Staff Requirements-SECY-98-192-Resolution of Allegations Concerning the Performance of Agreement State Programs, dated December 8, 1998.

# Appendix A

## ALLEGATION REPORT FORM

AGREEMENT STATE AND/OR FACILITY NAME:

Alleger: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Does Alleger agree to be contacted again?

Alleger's preference for method of contact (mail, phone ,etc.) and time of contact:

Date Received: \_\_\_\_\_

Received by: \_\_\_\_\_

Title: \_\_\_\_\_

Identity Protection Requested: Y or N

**Identity Protection Procedures and Limitations: Inform alleger of the following:**

An alleger is not considered a confidential source unless a confidential agreement has been signed by NRC and the source. NRC will take all reasonable measures to protect the alleger's identity unless the alleger has clearly indicated no objection to being identified, the alleger's identity, or disclosure is necessary because of (1) an overriding safety issue; (2) an order of a court or NRC adjudicatory authority; (3) an enforcement hearing; (4) a need to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust; or (5) investigation of a wrongdoing issue, including harassment and intimidation.

**DOL RIGHTS (if applicable):** If you believe you have been discriminated against for engaging in a protective activity, you may have personal remedies through the U.S. Department of Labor. The complaint must be submitted in writing within 180 days of occurrence of the discriminatory act to ensure that your personal employee rights are protected. The complaint should be files with the local DOL office or the U.S. Department of Labor.

Confidentiality Protection Requested: Y or N

What is the allegation or concern?

How did alleger find out about the allegation or concern?

## Appendix A (Continued)

Where did alleged action or activity occurred?	
When did allegation or concern occur?	
Who is involved/witnessed action or activity?	
How or why did it occur?	
What evidence or records, if any, can be examined?	
Did the individual express a concern to the licensee, facility or Agreement State involved?	
What is the status of the licensee's, facility's, or State's actions?	
What is this an issue of? (circle all applicable): (a) Safety; (b) Safeguards; (c) Drugs; (d) Falsification; (e) Discrimination (advise allegor of the 180 day DOL reporting requirement); (f) Agreement State personnel wrongdoing; (g) Agreement State performance; (h) Agreement State Licensee.	
The allegor informed verbatim of the limitations on the protection of identity as described in Part I (A)(1)(b) through (e) of the Allegations Handbook 8.8.of Protection of Allegor Identity: Yes or No	
PREPARED BY:	DATE PREPARED:
DATE PROVIDED TO OSP OAC:	

## Appendix B

### ABILITY OF AGREEMENT STATES TO PROTECT ALLEGER'S IDENTITY FROM PUBLIC DISCLOSURE

STATE	IS THE STATE ABLE TO PROTECT ALLEGER'S IDENTITY?	COMMENTS
Alabama	YES	
Arizona	NO	
Arkansas	NO	Conflicting State laws exist; one to protect and another to release.
California	YES	
Colorado	NO	
Florida	NO	
Georgia	NO	
Iowa	YES	
Illinois	YES	
Kansas	YES	
Kentucky	NO	No response received from State. Without a clear indication from the State that they can protect the alleged's identity, this information should not be released to the State.
Louisiana	NO	
Maine	NO	No response received from State. Without a clear indication from the State that they can protect the alleged's identity, this information should not be released to the State.
Maryland	NO	No response received from State. Without a clear indication from the State that they can protect the alleged's identity, this information should not be released to the State.
Massachusetts	YES	
Mississippi	NO	

## Appendix B (Continued)

STATE	IS THE STATE ABLE TO PROTECT ALLEGER'S IDENTITY?	COMMENTS
Nebraska	YES	
Nevada	YES	
New Hampshire	NO	The information must be labeled confidential.
New Mexico	NO	
New York	NO	
North Carolina	YES	
North Dakota	YES	
Oregon	YES	
Rhode Island	NO	
South Carolina	YES	
Tennessee	NO	
Texas	NO	No response received from State. Without a clear indication from the State that they can protect the alleged's identity, this information should not be released to the State. Conflicts may exist between two laws.
Utah	No	The information must be labeled confidential.
Washington	YES	

# APPENDIX C

## SAMPLE OSP ALLEGATION TRANSMITTAL MEMO

### NOT FOR PUBLIC DISCLOSURE

MEMORANDUM TO: (Name of Office Allegations Coordinator)  
Office Allegations Coordinator  
(Name of Office, i.e., Region IV)

FROM: (Name of OSP Office Allegations Coordinator)  
Office of State Programs (OSP)

SUBJECT: ALLEGATION RECEIVED BY OSP, REGARDING ALLEGED  
(Type of concern, i.e., OCCUPATIONAL EXPOSURE) AT  
[Facility name, city and state]

On (insert date), the Office of State Programs received a concern (s) regarding (concern description) at the [Facility name, city and state]. This facility is under the regulatory jurisdiction of [name of State], an agreement state.

We are transferring this allegation to you in accordance with Management Directive 8.8 for transmittal to the State of [name of State], and for any other actions you deem appropriate in accordance with this procedure. If you have any questions, or if we can be of any assistance, please call me at (phone number of OSP OAC).

Attachment:  
As stated

Distribution:  
DIR RF (ACTION NUMBER)  
OSP Director, w/o enc.  
OSP OAC, w/o enc.  
Allegations File

**DOCUMENT NAME: G:\**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	OSP	C	OSP:D	C					
NAME	OSP OAC	Director, OSP							
DATE	date	date							

# APPENDIX D

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 26, 1995

MEMORANDUM TO: **D R A F T**  
Dan Holody, Region I  
Bruno Uryc, Region II  
Bruce Burgess, Region III  
Gary Sanborn, Region IV

FROM: James Lieberman, Director  
Office of Enforcement

SUBJECT: DOL FINDINGS AGAINST NRC AGREEMENT  
STATE LICENSEES

Section 211 now provides protection to employees of Agreement State licensees. When we receive a complaint or a decision involving an Agreement State licensee, please take the following action:

1. Check the distribution, cc, and service list to determine if the state licensing authority was given a copy and, if not, forward a copy to the state.
2. Notify the regional agreement state officer of the complaint and/or decision.
3. Notify Dick Rosano so he can enter the information into the DOL tracking system.

Unless the issue relates to matters under our jurisdiction such as performance under the general license of 10 CFR 150.20, we cannot take any enforcement action, nor should we issue a chilling effect letter. This is no different than a situation in which we learn of a violation of state requirements by an Agreement State licensee.

cc: D. Bangart, OSP  
J. Goldberg, OGC

# APPENDIX E

## LETTER REFERRING ALLEGATION TO STATE RCP DIRECTOR, SENIOR LINE MANAGEMENT, STATE IG OR AG

Agency Representative  
And Agency's Address

SUBJECT: REFERRAL OF MATTER RECEIVED BY OSP REGARDING (Name of State Employee, or Name of Agreement State Program)

Dear \_\_\_\_\_: R A F T

USE FOR ALL LETTERS

The Office of State Programs (OSP) has received information regarding a potential (**insert performance and/or wrongdoing**) concern involving ( **insert name of state employee, or name of Agreement State Program**). Details are described in the enclosure to this letter.

The State of [**insert name of State**] has entered into an Agreement with the U.S. Nuclear Regulatory Commission (NRC) under which the NRC discontinues its authority to regulate Atomic Energy Act materials as specified in Section 274 of the Act, and the State of [**insert name of State**], as an Agreement State, assumes that authority. Under this Agreement, the State of [**insert name of State**] has jurisdiction over this concern(s). We ask that you review this matter and take action as you deem appropriate. When your actions are completed, we ask that you inform us of the results of your actions or resolution of this matter.

**[INSERT IF THE ALLEGER AGREES TO THE RELEASE OF HIS/HER NAME TO THE STATE]**

This information was submitted to OSP by [**insert name of allegor(s), address, and telephone number**]. [**insert name of allegor(s)**] has agreed to cooperate with the State and can be reached by your office. We have also provided your address and telephone number to the individual so that they may contact you in the future regarding this matter. [**insert for performance concerns transmitted to the RCP Director**: OSP will review your response to this matter during the next periodic meeting, or Integrated Materials Performance Evaluation Program (IMPEP) review, whichever comes first.]

**[INSERT IF THE ALLEGER DOES NOT AGREE TO THE RELEASE OF HIS/HER NAME TO THE STATE]**

The individual who provided this information to the NRC requested that their identity not be provided to you. Therefore, we ask that you provide a response directly to me so that we may inform the individual of the resolution of these matters. We would appreciate a response within 60 days informing us of the details of your actions or resolution of this matter. In the event the

## APPENDIX E (Continued)

allegor, changes his/her mind about contacting the State, we have provided your address and telephone number to the individual so that they may contact you in the future.

**USE FOR ALL LETTERS**

We ask that your response only be sent to me at the following address. No other copies should be sent to the NRC.

OSP Director (ADDRESSEE ONLY)  
 Office of State Programs  
 U.S. Nuclear Regulatory Commission  
 Mail Stop O-3-C-10  
 Washington, D. C. 20555

If your response contains personal privacy, proprietary, or confidential information, such information shall be contained in a separate attachment, appropriately marked, so that it will not be subject to public disclosure. This letter and its enclosure should be controlled and distribution limited to personnel with a "need to know."

The response requested by this letter and the accompanying enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Your cooperation with us is appreciated. If you have any questions concerning, please contact [insert name of OSP OAC] at [insert OSP OAC phone number] or myself at [insert OSP Director's phone number].

Sincerely,

OSP Director

Enclosure: As stated

Distribution:

DIR RF (ACTION NUMBER)

OSP Director, w/o enc.

OSP OAC, w/o enc.

Allegations File

**DOCUMENT NAME: G:\**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	OSP	C	OSP:D	C				
NAME	OSP OAC		Director, OSP					
DATE	date		date					

bcc: Allegation File No. OSP-\_\_-A-\_\_\_\_

## **APPENDIX E (Continued)**

**(Header) NOT FOR PUBLIC DISCLOSURE**

**SAMPLE ENCLOSURE TO LETTER TO STATE REFERRING ALLEGATION**

D R A F T

Enclosure to letter dated (date) to XYZ Agreement State.

OSP has received information from a concerned individual that the XYZ Agreement State inspector who responded to the incident at ABC Facility did not **[insert details]**. Additionally, the concerned individual stated that there is off-site contamination at the ABC Facility and the Agreement State is not enforcing their regulations.

**(Footer) NOT FOR PUBLIC DISCLOSURE**

## APPENDIX F

### FOLLOW-UP LETTER FOR REFERRALS OVER 180 DAYS TO STATE RCP DIRECTOR, SENIOR LINE MANAGEMENT, STATE IG OR AG

Agency Representative  
And Agency's Address

**SUBJECT:** REFERRAL OF MATTER RECEIVED BY OSP REGARDING (Name of State Employee, or Name of Agreement State Program), DATED [INSERT DATE OF TRANSMITTAL LETTER]

Dear \_\_\_\_\_:

#### USE FOR ALL LETTERS

The Office of State Programs (OSP) in letter dated [insert dated] from [insert "me" or name of individual] to [insert you or name of individual] referred information regarding a potential (**insert performance and/or wrongdoing**) concern involving ( **insert name of state employee, or name of Agreement State Program**). A copy of that letter is attached.

To date, we have not received a response. We realize that these matters can require considerable time to address and resolve. However, the NRC has a responsibility to respond to the individual who initially referred this matter to us. Without a response from you, we are unable to adequately address the individual's concern. We would appreciate a response within 30 days informing us of status of your actions or the details of your actions to resolve this matter. We ask that your response only be sent to me at the following address. No other copies should be sent to the NRC.

OSP Director (ADDRESSEE ONLY)  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Mail Stop O-3-C-10  
Washington, D. C. 20555

If your response contains personal privacy, proprietary, or confidential information, such information shall be contained in a separate attachment, appropriately marked, so that it will not be subject to public disclosure. This letter and its enclosure should be controlled and distribution limited to personnel with a "need to know."

## APPENDIX F (Continued)

### CERTIFIED MAIL

**RETURN RECEIPT REQUESTED** {Only use on first page of all allegation letters}

The response requested by this letter and the accompanying enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Your cooperation with us is appreciated. If you have any questions concerning, please contact [insert name of OSP OAC] at [insert OSP OAC phone number] or myself at [insert OSP Director's phone number].

Sincerely,

OSP Director

Enclosure:  
As stated

### Distribution:

DIR RF (ACTION NUMBER)

OSP Director, w/o enc.

OSP OAC, w/o enc.

Allegations File

### **DOCUMENT NAME: G:\**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	OSP	C	OSP:D	C					
NAME	OSP OAC		Director, OSP						
DATE	date		date						

bcc: Allegation File No. OSP-\_\_-A-\_\_\_\_