



STATE OF NEW YORK  
DEPARTMENT OF LABOR  
DIVISION OF SAFETY AND HEALTH  
Radiological Health Unit  
Building #12, Room 169  
State Office Building Campus  
Albany, NY 12240

4/15 Brenda  
Please return

April 12, 1999

99 APR 15 PM 2:37  
OSP

Mr. Stephen N. Salomon  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Salomon:

We request clarification on SP-99-019, "Predecisional Documents."

✓ This document states in part that "sensitive" predecisional documents pertaining to allegations and investigations will only be provided to Agreement States on a "need-to-know" basis and only to "Agreement States that we determine can protect the information from public disclosure." In the procedure attached to SP-99-019, "need-to-know" is said to mean that the Agreement State receiving the information "is directly involved with the issue or licensee." Exactly what does this mean?

Is NRC implying that it will withhold information from a state concerning events within that state, or regarding a facility licensed to use AEA materials by that state, if NRC judges that the state cannot "protect" such information from public disclosure?

Depending on your response, we may have extensive further comments.

Sincerely,

Rita Aldrich  
Principal Radiophysicist

RA:jmp

cc: Agreement States



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**DEPARTMENT OF LABOR**  
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Building #12, Room 169  
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August 18, 1999  
Duncan White  
State Agreements Officer  
Division of Nuclear Materials Safety  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, Pennsylvania 19406-1415

Dear Mr. White:

We have reviewed your proposed agenda for our September 21 meeting and have the following additions:

1. The legislative authority under which NRC conducts reviews of state programs. (Please be prepared to cite relevant sections of the Atomic Energy Act and New York's Agreement.)
2. The legislative authority under which NRC conducts pre-market approvals of devices/sources containing radioactive material. (Please be prepared to cite relevant sections of the Atomic Energy Act.)
3. The legislative authority under which a State can elect to return the SS&D portion of its agreement to the NRC. (Please be prepared to cite relevant sections of the Atomic Energy Act.)
4. The State's and NRC's exposure to liability resulting from approvals of devices/sources containing radioactive material.
5. The status of NRC's investigation of alleged misconduct by a member of the IMPEP team reviewing the Department of Labor's SS&D program.
6. NRC's investigation into allegations of misconduct against the president of MegaRad, Inc.

Recognizing that some of the above topics involve technical legal issues, we believe that it would be useful to have a representative from your Office of General Counsel, who can speak authoritatively on these matters, attend the meeting. If you have any questions, please contact this me at (518) 457-1202.

Sincerely,

Clayton J. Bradt, CHP  
Associate Radiophysicist

cc: Peter Chiefari  
John Spath  
Kathleen Schnieder