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From: Charles Cox
To: Cardelia Maupin; Jack Goldberg; Josephine Piccone; Michael Layton; Patricia Holahan
Date: Tue, Jul 22, 2003 1:47-PM
Subject: 2.206 Acknowledgement Letter

Attached is my draft re. Radiac for the PRB

C/2

Mr. Michael B. Gerrard
Arnold & Porter
399 Park Avenue
New York, NY 10022-4690

Dear Mr. Gerrard:

Your petition dated June 18, 2003, and addressed to Nils J. Diaz, Ph.D., Chairman, U.S. Nuclear Regulatory Commission (NRC), has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. As the basis for your request, you state that the radioactive waste storage operation adjoining a hazardous waste transfer and storage operation at the Radiac Research Corporation in Brooklyn, New York represents a significant risk to the common defense and security. You request that the NRC use its authority to protect the common defense and security under the Atomic Energy Act of 1954 to close the Radiac facility. I would like to express my sincere appreciation for your effort in bringing these matters to the attention of the NRC.

As provided by 10 CFR 2.206, we will take action on the issues in your request within a reasonable time. I have assigned Charles Cox as the petition manager for this issue. He can be reached at (301) 415-6755. Your Petition is being reviewed by the Office of Nuclear Materials Safety and Safeguards. I have enclosed for your information a copy of the notice that is being filed with the Office of the *Federal Register* for publication. I have also enclosed for your information a copy of Management Directive 8.11 "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

Martin J. Virgilio, Director
Office of Nuclear Materials Safety and
Safeguards

Enclosures: 1. *Federal Register* Notice
2. Management Directive 8.11
3. NUREG/BR-0200

cc w/enclosure 1 only: See next page

Mr. Joseph Spektor, Radiation Safety Officer

Radiac Research Corporation

Hon. Linda Angello, Commissioner
New York State Department of Labor

3

M. Gerrard - 2 -

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Sincerely,

Martin J. Virgilio, Director
Office of Nuclear Materials Safety and
Safeguards

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UNITED STATES NUCLEAR REGULATORY COMMISSION

RADIAC RESEARCH CORPORATION

NEW YORK STATE DEPARTMENT OF LABOR OPERATING LICENSE NO. 1944-1879

RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by Petition dated June 18, 2003, Mr. Michael B. Gerrard, on behalf of the Neighbors Against Garbage (Petitioner), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Radiac Research Corporation (a State of New York Department of Labor licensee). The Petitioner requests that the NRC order the licensee to suspend radioactive waste storage operations and close the facility under its authority to protect the common defense and security under the Atomic Energy Act of 1954.

As the basis for this request, the Petitioner states that the operation of the licensee's radioactive waste facility adjoining the licensee's hazardous waste transfer and storage facility represents a significant risk to the common defense and security of the United States

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Materials Safety and Safeguards. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www/nrc.gov>).

FOR THE NUCLEAR REGULATORY COMMISSION

Martin J. Virgilio, Director
Office of Nuclear Materials Safety and

Safeguards

Dated at Rockville, Maryland,
this day of August 2003