

**From:** Charles Cox  
**To:** Antonio Fernandez; Cardelia Maupin; Charles Cox; Charles Miller; Michael Layton  
**Date:** 11/26/03  
**Time:** 11:00AM - 11:30AM  
**Subject:** PRB on Neighbors Against Garbage  
**Place:** 8 F 12

Meet to determine need for immediate Action  
PRB Sheet Attached

**CC:** Jack Goldberg; Josephine Piccone; Paul Goldberg; Paul Lohaus; Roberto Torres

C/8

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10 CFR 2.206 PETITION REVIEW BOARD MEETING SUMMARY

November 26, 2003

EDO Control Number: G20030681  
Facility/Licensee Name: Radiac Research Corp.  
Petitioner: Michael B. Gerrard on behalf of Neighbors Against Garbage  
Date of Petition: November 4, 2003

1. Petition Review Board met on November 25, 2003 from 1 to 1:30 p.m. and on November 26, 2003 from 11:00 a.m. to 11:30 a.m. in Room T8F12.

2. Present at the meetings were:

PRB Members

Charles Miller, NMSS, Chairman  
Cardelia Maupin, OSTP  
Advisor: Jack Goldberg, OGC

Charles Cox, Petition Mgr. (PM), IMNS

Other NRC Staff

Antonio Fernandez, OGC

Paul Goldberg, IMNS

3. Scope of the Petition:

Request to close the Radiac radioactive waste facility (NY Dept of Labor Licensee) using NRC authority under the AEA based on common defense and security.

4. Petitioners' Bases for Requested Actions:

Petitioner argues that there is a credible risk of terrorist attack against the Radiac radioactive waste storage facility, which is adjacent to a hazardous waste storage facility. In view of the access to the facility, the inventory of radioactive material, and the local population density, the petitioner believes that an attack could cause release of a significant amount of radioactivity, exposing individuals to greater than recommended levels of radioactivity, causing panic, and contaminating a large area.

5. PRB Action/Additional Actions/Schedule

Considering the possession limits for material in the Radiac license, the PRB concluded that there is not a need for immediate action. The staff will issue a letter to the petitioner, acknowledging receipt of the petition and informing him that the PRB has concluded that there is not a need for immediate action. The PRB will offer to meet with the petitioner, as he requests, to allow him to present any additional relevant information and to clarify his request. The license and the State of New York Department of Labor will also be invited to participate. The PRB will then determine whether the request meets the criteria for a 2.206 petition.

6. Prepared by:

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Paul Goldberg, NMSS Petition Coordinator

Date:

7. Approved by:

Charles Cox, Petition Manager

Date:

Charles Miller, PRB Chair

Date:

Copies to all **NRC** participants

**2.206 PETITION REVIEW BOARD BRIEFING SHEET**

**EDO Ticket Number:** G20030681

**NMSS Ticket Number:**

**Petitioner:** Michael Gerrard of Arnold & Porter representing Neighbors Against Garbage

**Facility/Licensee Name:** Radiac Research Corporation

**Date of Petition:** 11/04/2003

**Scope of Petition:**

Request to close the Radiac radioactive waste facility (NY Dept of Labor Licensee) using NRC authority under the AEA based on common defense and security.

**Does Request Meet 10 CFR 2.206 Criteria? Y/N Why? Recommend alternative process?**

Determined to meet 10 CFR 2.206 Criteria on 11/25/2003

**Potential Safety or Safeguards Significance?**

Terrorist threat for hazardous waste and radioactive waste. Potential of accident in hazardous waste facility causing release from radioactive facility.

**Is There a Need for Immediate Action?**

*Petition claims need for "urgent action". PRB will determine if there is a need for immediate action.*

**Is There a Need for OGC, OI or OE Involvement?**

OGC

**Should the licensee be asked to respond?**

Yes.

**As PM, what do you recommend as an appropriate response?**

*Hold a PRB to determine need for immediate action. As PM, recommend acknowledgment of receipt with a determination for no immediate action and arrange for the requested pre-PRB meeting offering the State of New York Department of Labor and the licensee an opportunity to participate. Based on the information in the petition, the State's decision to reject public health and safety still is appropriate based on possession limits below emergency planning limits.*

**Proposed Schedule, additional PRB meetings:**  
Issue Acknowledgment Letter 12/5/2003  
Arrange public meeting - 1/04  
PRB meeting following.  
Issue Director Decision 04/08/04