

From: Paul Goldberg
To: Lucia Lopez
Date: 12/31/03 10:50AM
Subject: Letter

Lucia,
Please put this into final form for the Chairman's signature. Thanks.

CC: Charles Cox; Charlotte Abrams; Scott Moore; Thomas Essig; Torre Taylor

C/9

Dear Rep. Velasquez:

Thank you for your letter of December 10, 2003 concerning the Radiac Research Corporation facility in Brooklyn, NY. As you point out in your letter, the facility stores and transports hazardous materials in addition to radioactive waste. The Nuclear Regulatory Commission (NRC) does not regulate hazardous materials. The New York State Department of Labor regulates the safety of the nuclear materials Radiac possesses under its license with that agency. Under the Atomic Energy Act, NRC has responsibility for common defense and security regarding nuclear materials, including those regulated by the States under Agreements with NRC. As part of this responsibility, NRC is reviewing a petition from Michael B. Gerrard of Arnold and Porter, representing Neighbors Against Garbage, stating that the radioactive waste storage operation adjoining a hazardous waste transfer and storage operation at the Radiac Research Corporation represents a significant risk and requesting that NRC use its authority to protect the common defense and security under the Atomic Energy Act of 1954 to close the Radiac facility.

Your letter urges NRC to "initiate an investigation into operations at Radiac, and take necessary action to ensure the safety and security of the community surrounding the facility." You further ask that NRC "conduct an investigation into questionable safety and security measures at Radiac, assess the risk of an accident or terrorist attack at the facility, and determine the impact of a major event at the facility on the surrounding community and New York City, including radiological release. I also urge you take necessary action to revoke the license or close the Radiac facility, if the corporation fails to immediately rectify these common defense and security risks."

Our review of the petition from Mr. Gerrard involves an inquiry into any common defense and security risk at the Radiac facility, in cooperation with the State of New York. We will advise you of the results of the review and of any action we take as a result. Please feel free to contact me if you have any questions.

Sincerely,

Nils Diaz

concurrence: Goldberg, Cox, Essig, Holahan, Virgilio, Paperiello, Travers, Cardelia Maupin, OSTP; Jack Goldberg, OGC; Mike Layton, NSIR