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**From:** Paul Goldberg  
**To:** Doug Broaddus; Martin Virgilio; Michael Waters  
**Date:** 1/20/04 7:53AM  
**Subject:** Re: Proposed changes to Rep. Velazquez letter

Doug,  
The changes respond to comments from Anne and Carl. We know Radiac's possession limits from having looked at the NRC and State licenses, and the State has said that their actual inventory is less than 30 curies, 95 percent of which is tritium and carbon-14. The statement is not definitive; it does not say that Radiac could not be subject to CM's, just that, based on its present inventory, it is not presently subject to them. The small inventory and the resultant low risk are the basis of our denial of the request for immediate action and will be a primary consideration in our review of the common defense and security contention in the petition.

New York refers to the amounts of enriched uranium and plutonium in their inventory as being microcurie to millicurie quantities. I thought we needed to directly address the concerns expressed in the letter. We did decide to drop the first two sentences on the second page, about NYDOL, even though they are quotations and I spoke with the author. We wanted to make sure we would not be seen as quoting selectively or prejudging the petition.

I'm waiting to hear from Anne whether Carl agrees with this revision. Let me know if Marty wants to discuss it or wants changes.

We'll prepare the information on the petition for Marty to give McGaffigan.

>>> Doug Broaddus 01/16/04 10:15PM >>>

I spoke to Marty on the (possible) proposed changes to this letter that you left on my desk. He has concerns with the last two sentences on the first page ("Radiac is not presently subject to those orders, based on the relatively small quantities of radioactive materials it possesses. Radiac holds small quantities of enriched uranium and plutonium, well below the levels of concern for those materials"). He is concerned about the basis we have to make such definitive statements on the quantities and types of materials Radiac possesses.

Also, during Marty's periodic with McGaffigan, the Commissioner requested some additional information on the petition currently under review for this facility (i.e., a summary of the issues in the petition and where we are on the review/response to the petition). Marty would like to get this information to McGaffigan's office before the letter gets to him.

I will be out of the office on Tuesday, but can talk with you more on this when I return on Wednesday.

Doug

**CC:** Anne Boland; Cardelia Maupin; Charles Cox; Charles Miller; Charlotte Abrams; Jack Goldberg; Patricia Holahan; Thomas Essig

C/23