70-687

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Thomas C. Jorling
Commissioner

March 3, 1992

To: A. Dorozynski, Town of Tuxedo
J. McGrath, NRC
T. Michaels, NRC
N. Orlando, NRC

Attached is a copy of a letter DEC sent to Mr. McGovern of Cintichem on February 26, 1992, regarding certain proposed changes to the Order on Consent. We inadvertently omitted the cc list from the original.

Yours truly,

Barbara Youngberg

Barbara Youngberg
Environmental Radiation Specialist
Bureau of Radiation

att.
cc w/o att.: J. McGovern

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New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Thomas C. Jorling
Commissioner

Faxed

February 26, 1992

Mr. J. J. McGovern
President/Plant Manager
Cintichem, Inc.
Long Meadow Road
P.O. Box 816
Tuxedo, New York 10987-0816

Dear Mr. McGovern:

This letter is in partial response to your August 13, 1991, request for modifications to Order on Consent #D200059005. The Department has completed its review of several changes you proposed for the monitoring, sampling, analysis, and reporting requirements in the Order. We concur with the following changes, as described in your letter:

- deletion of the requirement to monitor pressure in and around the below grade exhaust duct [page 16, Paragraph III(2)]
- revision of the sampling schedule for certain sampling points [page 16, Paragraph III(3)]
- change in the frequency of, and the radionuclides to be reported in, the monitoring data reports [page 16, Paragraph III(4)]
- change in the sampling frequency for monitoring wells [pages 16 to 17, Paragraph III(7)]
- change in sampling procedures for radioactive discharges to the 001 outfall [page 23, Paragraph V(B)(B)]

As a result of discussions with Messrs. Truskowski, Rice, and Olynyk of your staff, we also propose to modify the following:

- the replacement interval for the TLD's (from 30 days to one month) [page 15, Paragraph II(B)(3)]
- the sensitivity required for analyses [page 17, Paragraph III(8)]

- the requirements for reporting elevated concentrations of radionuclides [page 17, Paragraph III(9)]

In addition, the Department proposes that Paragraph XXXVI (A)(2)(a) be revised to require Cintichem to submit only two copies of documents to the Bureau of Radiation.

Therefore, with your concurrence, the Order on Consent would be modified as follows:

1. Page 15, Paragraph II(B)(3)

   The third sentence of Paragraph II(B)(3) is modified to read, "The TLD's shall be replaced monthly."

2. Page 16, Paragraph III(1)

   Paragraph III(1) is modified to read, "(1) sampling of S-4 on a weekly basis;"

3. Page 16, Paragraph III(2)

   Paragraph III(2) is deleted.

4. Page 16, Paragraph III(3)

   Paragraph III(3) is modified to read,

   > (3) sampling of surface and ground water from S-1, S-3, S-7, and S-18 on a monthly basis, from S-14 on a weekly basis, and from S-12 as described in paragraph V; during continuous pumping of the retention pond, S-7 shall be sampled hourly;

5. Page 16, Paragraph III(4)

   Paragraph III(4) is modified to read,

   > (4) reporting to the Department, on a monthly basis, any positive data and the estimated concentrations of cesium-134 (based on any positive cesium-137 data) from the ground and surface water sampling points referenced in this Order;

6. Page 16-17, Paragraph III(7)

   Paragraph III(7) is modified to read,

   > (7) Groundwater from the monitoring wells on the site shall be sampled as follows:
   >
   > (i) Wells in which the concentrations of

cesium-137 and cobalt-60 have been less than one tenth of one percent (0.1%) of MPC for at least the past 90 consecutive days shall be sampled monthly.

(ii) Any well in which the concentration of cesium-137 or cobalt-60 is greater than one tenth of one percent (0.1%) of MPC but less than one percent (1%) of MPC shall be sampled semi-monthly until the concentration of both radionuclides has been less than one tenth of one percent (0.1%) of MPC for 90 consecutive days, at which time the sampling frequency may be reduced to monthly.

(iii) Any well in which the concentration of any non-natural radionuclide is greater than one percent (1%) of MPC but less than ten percent (10%) of MPC shall be sampled weekly until the concentrations of all non-natural radionuclides have been less than one percent (1%) of MPC for 90 consecutive days, at which time the sampling frequency may be reduced to semi-monthly.

(iv) If the concentration of any non-natural radionuclide in any sample from S-4 exceeds one percent (1%) of MPC, S-4 shall be sampled daily, and all monitoring wells shall be sampled weekly until the concentration of radionuclides in samples from S-4 have been below one percent (1%) of MPC for seven consecutive days and have not increased during that same period of time.

(v) If the concentration of any non-natural radionuclide in any sample from the monitoring wells or S-4 exceeds ten percent (10%) of MPC, S-4 shall be sampled daily, and all monitoring wells shall be sampled thrice-weekly until the concentrations of all non-natural radionuclides in samples from S-4 and all monitoring wells have been below ten percent (10%) of MPC for seven consecutive days and have not increased during that same period of time.

7. <u>Page 17, Paragraph III(8)</u>

Paragraph III(8) is modified to read,

(8) gamma isotopic analysis of all ground and surface water samples at a sensitivity such that the detection limit is at least one tenth of one percent (0.1%) of MPC for cesium-137 and cobalt-60;

8. Page 17, Paragraph III(9)

Paragraph III(9) is modified to read,

> (9) Respondents shall notify the Department by telephone no later than one hour after the detection, in any ground or surface water sample, of any non-natural radionuclide at a concentration equal to or greater than MPC. Respondents shall notify the Department, by telephone or telecopy, no later than 24 hours after the detection, in any ground or surface water sample, of any non-natural radionuclide at a concentration equal to or greater than one percent (1%) of MPC.

9. Page 23, Paragraph V(B)(B)

Paragraph V(B)(B) is modified to read,

> (B) Two samples shall be collected from each tank and composited to ensure representativeness of the sample. This sample shall then be analyzed prior to release of the tank to the 001 outfall.

10. Page 41, Paragraph XXXVI(A)(2)(a)

Paragraph XXXVI (A)(2)(a) is modified to read, "(a) two copies to the Director, Bureau of Radiation."

If these changes are acceptable to Cintichem, please let me know as soon as possible, and I will request that our Counsel's Office effect the modifications. These modifications will not be effective until the Consent Order is formally modified. We will respond to your remaining requests for revisions to the Order in the near future. If you have any questions, please contact Ms. Barbara Youngberg or Mr. John Mitchell of this Bureau at 518/457-2225.

Yours truly,

Paul J. Merges

Paul J. Merges, Ph.D.
Director
Bureau of Radiation