

*Don Humbauer*  
→ *Rouse*

MAY 16 1977

Ref: SA/JOL

*lc - I guess  
this involves  
a license (SNM)  
you handle  
since the facility  
is in N.Y.*

*Dur  
5/31/77*

MEMORANDUM FOR NEW YORK FILES

FROM: Joel Lubenau  
Office of State Programs

SUBJECT: UNION CARBIDE

Representatives from SP, DOR, ELD and IE met on May 13, 1977 to discuss environmental issues and NRC-State interfacing concerning Union Carbide (UC) Tuxedo, New York facility. A list of attendees is attached.

SP provided a brief description of the Agreement State program, including mention of "best efforts" to maintain compatibility and joint inspections, with emphasis on New York. A history of NRC and State actions relative to the Union Carbide site, especially the radioiodine releases from the site, and the use of dilution factors for radioiodine releases was also presented.

IE noted that in 1973, the process for making Mo<sup>99</sup> was changed from irradiating Te targets to fission product Mo<sup>99</sup> obtained from irradiated U-235. The U-235 is plated on Zr plates, irradiated 100 to 200 hours and then processed in the hot cells. This change in method of production is believed to be the significant factor in increases in levels of radioiodines released up to 1976. The preparation of the U-235 is handled by UC under an SNM license and the irradiation under the reactor license. It is not clear if the post-irradiation processing, in whole or in part, is properly within the jurisdiction of NRC or the State. The issue was identified as a potential "bucket case" and it was agreed that ELD should review the matter. SP will coordinate an informal meeting with ELD on May 31 on this issue.

IE also stated that their evaluations suggested that releases of radioiodines from UC may be leading to annual thyroid doses from inhalation to individuals at a apartment complex of 500 mrem. IE iterated its reservations concerning the technical bases used by UC for the dilution factor of 2000.

DOR stated UC submitted proposed technical specification in December, 1973 and in April, 1976, they were determined to be unsatisfactory. Revised proposed Tech Specs were submitted November, 1976. They include the 2000 dilution factor. DOR stated they are not satisfactory.

Distribution:

JOLubenau  
RRyan R/F  
SA R/F

G.Lear, DOR  
S.Nowicki, DOR  
P.Stohr NRC:I

- 2 -

B.Weiss, IE  
HJMcGurren:ELD  
New York File (yellow)

The following actions will be taken as a result of this meeting:

1. ELD will act to resolve the issue of jurisdiction.
2. DOR will conduct a review of the meteorological and other data used by UC as a basis for its evaluation and control of environmental releases of radioactivity. Emission criteria and performance criteria for the site will be developed. Three to four months was estimated to complete this.
3. NMSS may need to become involved in this process. SP will inform them.
4. If NRC requires, for purposes of conducting a proper evaluation of the stack releases and their environmental impact, information on operations that are conducted under New York State license, the requests will be handled through SP. (This includes visits to the site.)
5. When the question of jurisdiction is resolved, when site emission and performance criteria have been proposed and when technical issues are resolved (or at least identified, e.g. adequacy of meteorology data), a meeting will be arranged with New York. SP will coordinate. Subsequently, as appropriate, joint meetings with UC can be arranged.

SP is obtaining a copy of the SNM license and the New York Department of Labor license and will distribute to DOR and ELD. DOR will distribute copies of the reactor license to SP and ELD.

There were inconclusive discussions on how the problem can be "partitioned" between the State and NRC. Also, the State's actions to require proper controls of UC for activities subject to State regulation and NRC's oversight responsibilities were touched upon. SP pointed out the need for NRC-State coordination - to avoid potential conflicts and close-up regulatory gaps - and present a unified NRC-State regulatory posture.

An informal meeting with ELD to discuss the jurisdictional aspects is scheduled for 9:00 a.m., May 31, 1977.

The New York State Energy Office (Jack Spath) was briefed on the meeting, as was T. Cashman, NYDEC, on May 13, 1977.

Joel Lubenau  
Office of State Programs

Attachment:  
As stated

SP                      SP  
JOLubenau/des    BDVaden  
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ATTACHMENT

Joel Lubenau, SP  
Bernard Weiss, IE  
Lawrence K. Cohen, IE  
Carl J. Paperiello, NRC:I  
Henry J. McGurren, NRC-OELD  
Lake Barrett, NRC-DOR/EES  
John Vaden, OSP  
Philip Wagner, DOR/ORB #3  
Stan Nowicki, DOR/ORB #3  
P. Stohr, NRC:I  
George Lear, DOR/ORB #3 Branch Chief