

HELMUT E. NIMKE, P. E.
CONSULTING ENGINEER

Mr. James H. Joyner, Chief
Facilities Radiological Safety
and Safeguards Branch
Division of Radiation Safety
and Safeguards
USNRC Region 1, 475 Allendale Rd.
King of Prussia, PA 19406

RD-1 209 DEERPATH ROAD
TUXEDO, N.Y. 10987
U.S.A.
914-351-4502

16 February 1992

NRCCINT22

Re: Cintichem Tuxedo
Docket 50-54,70-687
Pub Meeting 2-20-92

To be delivered and read as a statement at subject public meeting.

(22 Feb: I understand that for unknown reasons this was
Dear Mr. Joyner: not read at the meeting. I Much regret not being present.)

I have been informed that notice of this meeting was given to officials of Tuxedo on 6 February. I was told by the Tuxedo Supervisor at the Town Board meeting on 12 February, under the "Other Business" agenda. The meeting had no benefit of prior public notice.

I and others at the Town Board meeting noted that such notice was entirely inadequate in addressing an issue as important and consequential as this to the entire community of Tuxedo and others responsibly interested. Appeals, made at my request, by Tuxedo's Supervisor to Cintichem Manager McGovern, to delay this meeting to a better date and location were not accommodated. I affirm that conviction and insist that this meeting be soon held again, with the same official participation, at a convenient place, time and with adequate public notice.

I remain distressed that the Town of Tuxedo, nor Orange County, have never exercised any official engagement of authority, as a "home rule" issue, in the matter of Cintichem, in neither its beginnings nor its present course and status. I know that official Tuxedo has chosen not to do so. It is evident that those energies which will illuminate the public interest must come from Tuxedo's residents.

The plan to clear the Cintichem site of all radiation hazard should not involve any "acceptable" burial on site. Providing a menu of acceptable limits in site effluent permits will not serve the case. The limited engagement of the NY State DEC with the NRC actions leaves the satisfaction of all test objectives in the hands of Cintichem on a reportorial basis.

The limits of responsibility, and jurisdiction, is now as inadequate to the case as it was prior to the circumstantial disclosures of January 1990. Given the present case, the record of the NYS Public Service Commission hearings in the Sterling Forest water rate case of 1939 has some teachings, yet unlearned, in regard to agency authority, responsibility and risk to public health.

Both Cintichem and the Indian Reservoir are in the wrong place. That case has been demonstrated. It should have been, and must yet be, otherwise, The residue of this paradox remains; in technical fact, administrative process and in its cost to all.

CC: Town Clerk Tuxedo

Sincerely yours,

Helmut E. Nimke
Helmut E. Nimke, P.E.

Councilman, Tuxedo

Diplomate, American Academy of Environmental
Engineers

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PDR ADOCK 05000054
P PDR