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New York State Department of Environmental Conservation

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Michael D. Zagata
Commissioner

NOV 14 1995

Mr. J.J. McGovern
Plant Manager/President
Cintichem, Inc.
P.O. Box 816
Tuxedo, New York 10987

Dear Mr. McGovern:

Re: Order on Consent
Case #D200059005

I am writing in response to questions you posed to Barbara Youngberg of this Bureau on September 20, 1995, at the close of her inspection of Cintichem. You asked what criteria the Department of Environmental Conservation would apply to the Cintichem site to allow release of the site and termination of the Order on Consent.

As you know, we have worked with the NRC staff throughout the process of establishing the cleanup criteria for the site, and we concurred with the criteria that were adopted. Since that time, the Department of Environmental Conservation has adopted a Technical Administrative Guidance Memorandum entitled, *Cleanup Guidelines for Soils Contaminated with Radioactive Materials* (TAGM 4003). TAGM 4003 (copy enclosed) sets a dose guideline of less than 10 mrem/year (above background) due to residual radioactivity at a decontaminated site. The cleanup criteria for the Cintichem site were derived with the same goal in mind. Therefore, the successful implementation of Cintichem's decommissioning plan should meet our requirements for site decontamination under TAGM 4003.

The completion of the decommissioning project is also necessary to support termination of the Order on Consent. In paragraph XXI of the Order on Consent (as amended in January 1995), the Department of Environmental Conservation retained the authority to require the declaration of covenants and restrictions (now on file with the Orange County Clerk) to remain in place after the decommissioning is completed. Before the Order can be terminated, DEC must determine that the declaration and restrictions may be removed. That will only be done if the site can be released for unrestricted use -- which is the goal of the decommissioning plan.

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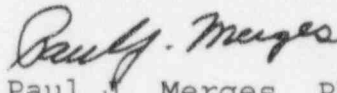
To make a determination that the site can be released for unrestricted use, we will need the following:

1. Two copies of the termination survey report and any additional data that is provided to the NRC or its contractor regarding the termination survey
2. Access to the site to collect samples and perform an independent termination survey
3. Copies of all other correspondence Cintichem sends to the NRC regarding the termination survey, the NRC's contractor's findings, or additional decontamination undertaken after the termination survey

If we find that the site has been decontaminated to meet the goal of the decommissioning plan and TAGM 4003, we will notify you that the Order has been satisfied and is no longer in effect. However, any use or possession of licensed radioactive material on the site after the decommissioning of Buildings 1 and 2 may be subject to regulation under 6 NYCRR Part 380. This would include any low-level radioactive waste that may be stored on site and any new operations that may begin.

If you have any questions, please call Barbara Youngberg or me.

Sincerely,



Paul J. Merges, Ph.D., Chief
Bureau of Pesticides & Radiation
Division of Solid & Hazardous
Materials

Enclosure

cc: Mr. J. Ribando, Supervisor, Town of Tuxedo (w/enc)
Mr. D. Orlando, US NRC
Mr. T. Dragoun, US NRC
Mrs. R. Aldrich, NYSDEC
Mr. R. Aldrich, NYSDEC, Region 3
Mr. B. Conlon, NYSDEC