

October 22, 2002

Mr. Allen D. Roos
Project Manager
Programs and Project Management Division
Department of the Army
New York District, Corps of Engineers
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090

Dear Mr. Roos:

I am responding to your letter dated August 12, 2002, regarding the Feasibility Study and Proposed Plan (PP) for soils and buildings at the Formerly Utilized Sites Remedial Action Program (FUSRAP) Maywood Superfund Site, Maywood, New Jersey, issued by the New York District, U.S. Army Corps of Engineers (USACE), dated August 2002. In your letter you offered U.S. Nuclear Regulatory Commission (NRC) an opportunity to comment on the reports. Our comments are limited to the PP. We note that the PP was prepared under the Comprehensive Environmental Response, Compensation, and Liability Act, 1980, as amended, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and identifies compliance with NRC's unrestricted release criteria for the licensed burial pits. The PP is consistent with the NRC/USACE FUSRAP Memorandum of Understanding (66 FR 36606, July 12, 2001), and the PP provides for USACE's cleanup of the NRC licensed burial pits to the requirements for unrestricted release in 10 CFR 20.1402. Our comments are as follows.

1. On page 9, 2nd paragraph states: "The USACE will confirm that the remedial action for the Site complies with these ARARS, or establishes the basis for waiving an ARAR pursuant to the procedures of the NCP at 40 CFR 300.430(f)(1)(ii)(C) for ARAR waivers." We recommend after the first "ARAR" in the sentence, inserting the following parenthetical: [for example, NRC regulation at 10 CFR 20.1402 or a more stringent requirement is the ARAR for burial pit cleanup].
2. On page 9, after 2nd paragraph, we recommend your adding a new paragraph as follows. "U.S. Nuclear Regulatory Commission, in its evaluation of the licensed burial pits remediation, will assure compliance with 10 CFR 20.1402 by reviewing the dose modeling and final site surveys."
3. On page 22, 1st paragraph states: "The NRC-licensed burial pits on Stepan will be remediated to the criteria of 15 mrem/yr above background in compliance with NJAC 7:28-12.8(a)1 and 10 CFR 20.1402. " Please revise the paragraph to read as follows: "The NRC-licensed burial pits on Stepan will be remediated to meet the requirements of 10 CFR 20.1402, and the NJAC 7:28-12.8(a)1." Also, please review the full text of the PP to assure that the compliance with 10 CFR 20.1402 for the cleanup of NRC-licensed burial pits is indicated throughout the document.

A. Roos

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Again, we appreciate the opportunity to comment. If you have any question or comments, please contact me at 301-415-0023.

Sincerely,

/RA/

Amir Kouhestani
Project Manager
Special Projects Section
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

A. Roos

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Again, we appreciate the opportunity to comment. If you have any question or comments, please contact me at 301-415-0023.

Sincerely,

/RA/

Amir Kouhestani
Project Manager
Special Projects Section
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

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* See previous concurrence

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