



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090
December 19, 2005

Post Docket
40-8610

REPLY TO
ATTENTION OF

Programs and Project Management Division

Mr. Amir Kouhestani
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike, Mail Stop T7 E18
Rockville, MD 20852-2738

Dear Mr. Kouhestani:

The United States Army Corps of Engineers (USACE) is requesting release of soils and debris contaminated with 11e2 material at levels below 0.05% by weight source material and lesser relative activities of radium from the Maywood Formerly Utilized Sites Remedial Action Program (FUSRAP) site (Maywood Site) for disposal at the US Ecology Idaho (USEI) RCRA Subtitle C facility near Grand View, ID, EPA ID No. IDD073114654).

Because these wastes have been classified by NRC as byproduct type 2 wastes (see Enclosure 1), we understand the appropriate action is to request an authorization under 10 CFR 20.2002 and a related exemption under 10 CFR Part 40.14 and/or 30.11 as deemed appropriate. Contaminated soil and debris from the Maywood Site includes material from the Stepan owned and NRC licensed burial pits (STC-1333) as well as that from the former Maywood Interim Storage Site (MISS) and vicinity properties (including the remaining Stepan property).

All wastes from the Maywood Site that USACE will dispose at the USEI site will be within the Waste Acceptance Criteria (WAC) (see Enclosure 2) established for the company in its State of Idaho RCRA permit, EPA ID No. IDD073114654. USACE will segregate any material above the USEI WAC for disposal in a licensed 11e2 disposal cell.

USACE initially evaluated expected doses to facility personnel, transporters, and members of the public from this proposed action using the U.S. Department of Energy developed computer code TSD-Dose. Doses were found to be less than a few millirem per year for the worst case, which used the conservative assumptions of all waste generated at Maywood are sent to USEI and all are at the WAC maximum allowable activity concentration (See enclosure 3). This evaluation, which is more conservative than the proposed action, is used as a benchmark for the more in depth evaluation discussed below.

USACE, in consultation with US Ecology, conducted a second evaluation of the expected doses from this proposed action and found the doses to be less than a few millirem per year given the same conservative assumptions as used in the TSD model and evaluating dose to a post closure resident farmer (See the enclosed Evaluation in Support of Alternate Waste Disposal Procedures, USACE and USEI, 2005. enclosure 4)

Both evaluations are in agreement with similar calculated doses and conclusions. Additionally, USEI currently utilizes the unimportant quantity of source material (10 CFR 40.13) as a basis for its relevant WAC. The protectiveness of disposal of material at or below these concentrations has been demonstrated as protective of workers and the public by US Ecology's site-specific modeling supporting its current WAC, as well as in NUREG 1717 and 1640.

To date, USACE has either stockpiled debris for sizing and future disposal or has disposed of debris as 11e2 material (in an 11e(2) licensed disposal cell). Our ability to stockpile is limited by agreements with stakeholders. Consistent with the planned remediation efforts for the NRC licensed burial pits (i.e. removal of the building concrete slab, foundation, and piers in Stepan burial pit 3 as well as the reported drums and other debris in pits 1 and 2) USACE expects the volume of contaminated debris to increase significantly. Additionally, USACE has encountered significant debris (greater than 50% of the waste volume) on a vicinity property and expects to demolish at least one Maywood Site building (#76) with known surface contamination.

USACE will sample soils and conduct appropriate surveys on representative debris to demonstrate compliance with the facility WAC and US Department of Transportation regulations. Physical sampling and/or surface activity measurements averaged over the mass of the debris will be used to determine the debris average activity concentration.

USACE estimates a project cost reduction of over a million dollars will be achieved by the proposed action. Other options considered for this material included decontamination of debris to a free release standard with subsequent disposal in a local landfill and continued disposal of all soils and debris as 11e2 material. These options either require an increase in labor, material handling, or are limited by storage capacity, which ultimately would extend the project schedule and significantly increase operational costs.

Disposal of lower activity soils and debris in a RCRA C facility permitted to accept radioactive material remains

protective of human health and the environment while offering direct public health and safety benefits by accelerating closure of the site, increasing operational efficiencies, and reducing dose. Moreover, other USACE-managed wastes with the same physical and chemical characteristics are presently being disposed of at the USEI site on a routine basis. The unique nature of the Maywood Site materials and the site's regulatory history make it unlikely that other 11e2 licensees would be adversely impacted by this action.

Please note that the State of Idaho Department of Environmental Quality (IDEQ) (regulatory authority over USEI) requires an exemption under part 40.14 or 30.11 for this action. USEI's permit requires that the company submit documentation of the NRC exemption and related safety findings to IDEQ. USEI's submittal then will be subject to an IDEQ concurrence process as specified in the USEI permit.

As stated above, USACE has coordinated with USEI on this alternate disposal authorization and related exemption request. USACE will coordinate further with USEI, and with IDEQ, prior to implementing this action.

We look forward to the NRC's timely response to our request. If you have any questions, please call me at 201-226-6616 or our technical point of contact, Mr. David Hays, at 816-695-5987. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Roos", written in a cursive style.

Allen Roos,
Project Manager