



**CONESTOGA-ROVERS
& ASSOCIATES**

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www.CRAworld.com

October 14, 2009

Reference No. 050681

Ms. Yolande Norman
United States Nuclear Regulatory Commission
Office of Federal and State Materials and
Environmental Management Programs (FSME)
Two White Flint North
Washington, D.C. 20555

Dear Ms. Norman:

**Re: Request for License Amendment Follow up
Stepan Company, 100 West Hunter Ave.
Maywood, New Jersey
NRC License STC-1333**

This letter is a follow up to the Request for License Amendment dated May 12, 2009 (ML091540234) and submitted to the U. S. Nuclear Regulatory Commission (NRC) regarding License STC-1333, dated April 4, 1978 (amended November 5, 1987). The License authorizes Stepan Company (Stepan) to store thorium tailings underground in three burial pits (BP #1 through BP #3) at 100 West Hunter Avenue, Maywood, New Jersey (Site). As part of the License, Stepan is required to conduct a monitoring program as set forth in the enclosure to a letter dated June 29, 1987.

The purpose of this letter is to:

1. Request the status of NRC's review of the Request for License Amendment.
2. Provide a status update to NRC regarding the ongoing remediation at the Site.
3. Request clarification from NRC regarding monitoring program.

Request regarding the status of NRC's review of the Request for License Amendment

In a letter dated May 12, 2009, Stepan requested a license amendment proposing no corrective action for Well #6, which has not been sampled for some time and appears to be buried. The request is based on the following:

- Over ten years of historical monitoring data demonstrates that elevated gamma levels are not a concern at Well #6. No gamma detections above 15 pCi/L have ever been detected at Well #6.
- Well #6 is located in the interior of the property, and the groundwater is not a source of drinking water.

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- Well #6 is located immediately adjacent to BP #1, and will likely be required to be abandoned during the upcoming Formerly Utilized Sites Remedial Action Program (FUSRAP) remediation activities.
- USACE already has commenced remediation of the burial pits and will be remediating them over the next few years.

Stepan would like to confirm NRC's receipt of this letter and requests an update from NRC regarding the status of your review of this request.

Status update regarding the ongoing remediation at the Site

On November 25, 2008, a meeting was held between NRC, USACE, Stepan, and Conestoga-Rovers & Associates (CRA) to review the NRC License. The primary purpose of the November 25th meeting was to discuss the suspension of the License pursuant to the Memorandum of Understanding between the U.S. Nuclear Regulatory Commission and the U.S. Army Corps of Engineers for Coordination of Cleanup & Decommissioning of the Formerly Utilized Sites Remedial Action Program (FUSRAP) Sites With NRC-Licensed Facilities, 66 Fed. Reg. 36,606 (July 12, 2001) and the Confirmatory Order Modifying License No. STC-1333, issued October 21, 2008. In January 2009, NRC suspended the license as to BP #3, and USACE took physical possession of BP #3 for purposes of radiation control and is responsible for the protection of the public health and safety consistent with the requirements of 10 CFR Part 20. In July 2009, NRC suspended the license as to BP #2, and USACE took physical possession of BP #2 for purposes of radiation control and is responsible for the protection of the public health and safety consistent with the requirements of 10 CFR Part 20. As a consequence of the remediation of the BP #2 and BP #3, it is anticipated that the integrity of the monitoring wells around BP #2 and #3 (Wells #7 through #9 and Wells #1 through #3, respectively) will be impacted.

Request clarification from NRC regarding monitoring program

As noted above, the license is suspended for BP #2 and #3, and USACE is responsible for radiation control and the protection of the public health and safety consistent with the requirements of 10 CFR Part 20. Due to access and health & safety issues, Stepan can not sample the monitoring wells around these BPs during remediation activities. In fact, only Wells #4 and #5 at BP #1 were accessible for sampling during the third quarter 2009 routine groundwater sampling event. Because the USACE is responsible for radiation control and the protection of public health and safety, Stepan believes that the USACE should be responsible for sampling wells associated with the burial pits for which the license is suspended. Stepan respectfully requests NRC confirm that NRC is in agreement with this position.

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Throughout the monitoring program, groundwater results from all wells, in general, were below the regulatory criterion of 15 pCi/L. As the source areas are being removed by the USACE, Stepan believes no monitoring should be necessary for a burial pit after remediation by the USACE and reinstatement of the license. Please confirm that no additional groundwater monitoring or radiological surveys will be required after the USACE has completed their remediation of each burial pit.

Stepan would like to confirm NRC's receipt of this letter, and requests an update from NRC regarding the status of your review.

If you have any questions, please do not hesitate to call. I can be reached at (610) 321-1800 (ext 13).

Sincerely,

CONESTOGA-ROVERS & ASSOCIATES

A handwritten signature in cursive script that reads "John A. Garges".

John A. Garges, P.C.

JAG/smk/3

Attachment

cc: Regional Administrator, Region I, NRC
Judith Joustra, NRC
Lydia W. Chang, NRC
Mark Roberts, NRC
Ed Troskowski, NJDEP
Allen Roos, USACE
Bill Kollar, Shaw
Christina King Loundy, Stepan Company
Jeff Nelson, Stepan Company
Mark Stanek, Stepan Company
John McGahren, Patton Boggs LLP
Laurie Matthews, Patton Boggs LLP

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