



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090  
November 8, 2010

REPLY TO  
ATTENTION OF

Programs and Project Management Division

Ms. Lydia W. Chang  
Chief, Special Projects Branch  
Office of Federal and State Materials and Environmental Programs  
U.S. Nuclear Regulatory Commission  
Mail Stop T-8F5  
Washington, DC 20555-0001

Dear Ms. Chang:

I am writing with regard to your letter to Mark Stanek of the Stepan Company dated October 6, 2010, and specifically to its references to U.S. Army Corps of Engineers' authorities in paragraph 4.

It is the position of the Corps of Engineers that the characterization of the 1,500 cubic yards of stockpiled soil in the October 6 letter is inaccurate. The material was not as stated in the letter "residual material resulting from USACE's remediation" (paragraph 4). The material was excavated by Stepan following USACE excavations and final status surveys confirming that the material complied with the cleanup criteria for the Maywood Superfund site (see paragraph 1). We base our contention on Stepan's own description of the material, found in what we understand was the technical attachment to their April 14, 2010 request to NRC, as follows:

1. PHYSICAL DESCRIPTION

The subject soil of interest for disposal off-site and now stockpiled on Stepan's Maywood Plant site is estimated to be 1500 yd<sup>3</sup> of soil. Relative locations of each of the soil piles are identified on Figure 1 herewith.

Pile A. To enable Stepan to build a new warehouse, the USACE remediated and performed a final status survey of an area north of thorium burial site 3. Afterward, in preparation of the base of the new warehouse, Building 9, Stepan excavated about 1000 yd<sup>3</sup> of soil from the area attended by the USACE.

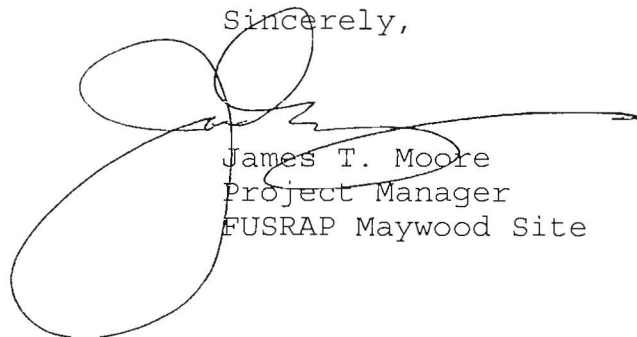
Piles B, C, and D. In order to install a concrete pad to support nitrogen storage tankage west of Building 10, Stepan excavated soil comprising small piles B, C, and D from an area that had been subject to final status survey and release by the USACE.

Pile E. Following USACE remediation, final survey, and release, Stepan excavated for sewerage and paved a concrete containment roadway around Building 10. During excavation for the sewerage and the pavement, about 500 yd3 of soil was removed and stored as Pile E.

I wish to address your suggestion that Stepan discuss disposal with USACE because USACE has authority to arrange for disposal of Maywood FUSRAP waste materials at off-site RCRA Subtitle C facilities. To clarify, USACE has no authority to arrange for disposal of Stepan material resulting from Stepan discretionary excavations. Please note, in addition, that this material is at or below the Maywood Superfund site cleanup criteria.

I hope this letter helps to clarify the origin and status of the material in question. Please do not hesitate to contact me at 201-226-6608 with any questions.

Sincerely,

A large, stylized handwritten signature in black ink, featuring a large loop and a long horizontal stroke extending to the right.

James T. Moore  
Project Manager  
FUSRAP Maywood Site