

April 3, 2006

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

SUBJECT: U.S. ARMY CORPS OF ENGINEERS REQUEST UNDER 10 CFR 20.2002 FOR
DISPOSAL OF SOILS AND DEBRIS FROM THE MAYWOOD FORMERLY
UTILIZED SITES REMEDIAL ACTION PROGRAM AT US ECOLOGY IDAHO
RCRA SUBTITLE C FACILITY

Dear Mr. Roos:

I am responding to your December 19, 2005, letter requesting release of soils and debris contaminated with 11e.(2) byproduct 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 U.S. Ecology Idaho (USEI) RCRA Subtitle C facility near Grand View, Idaho. Additionally, you state that because these wastes have been classified by the U.S. Nuclear Regulatory Commission (NRC) as 11e.(2) byproduct material, the U.S. Army Corps of Engineers (USACE) understands the appropriate action is to request an NRC approval of disposal procedures under 10 CFR 20.2002 (20.2002 authorization) and a related exemption under 10 CFR 40.14.

Staff has concluded that a 20.2002 request from USACE is not appropriate because 10 CFR 20.2002 allows a "licensee or applicant for a license" to apply to the NRC for approval of disposal procedures. USACE is neither a licensee nor an applicant. Therefore, USACE is not eligible to request a 20.2002 authorization in this case. Such an authorization could be requested by the current licensee, the Stepan Company, since the license is not yet in abeyance.

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If you have any questions regarding this letter, please contact me by phone at (301) 415-0023 or by e-mail at AAK@nrc.gov.

Sincerely,

/RA/

Amir Kouhestani, Project Manager
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

License No.: STC-1333
Docket No.: 40-8610

cc:
Kathy Owens, Stepan Company
Angela Carpenter, USEPA II
Tomiann McDaniel, USACE
John MacEvoy, USACE
Donna McGaffigan, NJDEP

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