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Formerly Utilized Sites Remedial Action Program (FUSRAP)

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# ADMINISTRATIVE RECORD

for Maywood, New Jersey

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U.S. Department of Energy

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

1994 MAR 23 AM 8:59

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

MAR 15 1994

William M. Seay  
Acting Director  
Former Sites Restoration Division  
United States Department of Energy  
Oak Ridge Operations  
P.O. Box 2001  
Oak Ridge, Tennessee 37831-8723

Re: Submission of NESHAPS 1993 Air Emissions Reports to EPA  
Region II.

Dear Mr. Seay:

The purpose of this letter is to respond to your letter to me of June 25, 1993. In that correspondence you requested a "waiver" from the reporting and modeling requirements of Subpart H, Sections 61.93(a) and 61.94 for the following six sites under the jurisdiction of the United States Environmental Protection Agency (EPA), Region II: Colonie Interim Storage Site, Maywood Interim Storage Site, Middlesex Sampling Plant, New Brunswick Site, Niagara Falls Storage Site and the Wayne Interim Storage Site.

A review of 40 CFR Part 61 by my staff has failed to locate any provisions for a waiver under the circumstances presented in your letter. The issue of this waiver is one of national significance and requires consistent application by the EPA. As such, it would be appropriate for you to submit a request for an interpretation of the regulations regarding a waiver to EPA Headquarter's Office of Radiation and Indoor Air.

If you have any questions please contact Jennifer Magruder of my staff at (212) 264-4536.

Sincerely,

Paul A. Giardina, Chief  
Radiation Branch

cc: J. Magruder, AWM  
A. Carpenter, AWM  
E. Stamataky, AWM  
A. Colli, ORIA  
D. Hamarat, ORIA