



Department of Energy

Washington, DC 20565

January 16, 2008

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Air and Radiation Docket
Mail Code 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Docket ID No: EPA-HQ-OAR-2004-0087

The Department of Energy (DOE) has reviewed the Environmental Protection Agency's proposed rule, "Operating Permit Programs and Prevention of Significant Deterioration and Nonattainment New Source Review; Flexible Air Permitting Rule" published in the September 12, 2007, Federal Register (72 FR 52206).

DOE generally supports the proposed rule, in particular the permitting flexibilities afforded in the proposed revisions to 40 C.F.R. Parts 70 and 71 involving alternative operating scenarios for research and development (R&D) activities. DOE operates a number of regulated sources which are engaged in R&D; some of these regulated sources have widely dispersed emission points and engage in activities that can frequently change based on R&D needs and mission change. The Department recommends adding "Research and Development" to the list of industries on page 52207, in order to better recognize the need for flexible air permitting for R&D facilities.

DOE recommends adding a new Section 51.165(j) to the Proposed Rule, as follows: "Alternative flexible air permitting plans may be approved by State or local authorities." DOE supports approaches such as that used in the state of California in which a facility following the general procedures of the local air district was allowed to issue permits for minor changes, providing the air district with an annual summary of its permit actions. In this way, the facility benefits from regulatory flexibility while the air district collects the usual fees and maintains final approval authority over any modifications and additions made by the facility.

DOE appreciates the opportunity to comment on the proposed rule. If you have any questions concerning these comments, please contact Mr. Emile Boulos at emile.boulos@hq.doe.gov; 202-586-1306.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew C. Lawrence".

Andrew C. Lawrence

Director

Office of Nuclear Safety and Environment