



Department of Energy
Washington, DC 20585

October 22, 2007

Mr. Peter Tsirigotis
Director, Sector Policies and Programs Division
Mail Code: D205-01
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711

Dear Mr. Tsirigotis:

The Department of Energy (DOE) has reviewed the Environmental Protection Agency's (EPA's) proposed rule, "National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources," published in the September 17, 2007, *Federal Register* (72 FR 52958). These comments represent our analysis of this proposed rule from the perspective of its impact on DOE operations. A preliminary version of these comments was e-mailed to Warren Johnson of your staff on October 17, 2007.

For miscellaneous area-source surface-coating operations, we agree with EPA's equipment requirements in the proposed regulations that would confine spray operations to a properly filtered spray booth, which would capture nearly all toxic heavy metal particulates from the operation, and that would mandate the use of high-volume, low-pressure spray equipment. However, we request that EPA provide clarification on the scope of surface-coating operations to be covered by the rule.

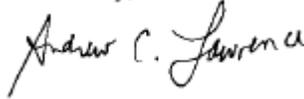
The preamble to the proposed rule dealing with surface-coating operations clearly indicates that EPA has developed an emission control strategy for these activities that focuses on the spray application of coatings, because of the need to control toxic heavy metal particulates from the operation. However, the definition of "miscellaneous surface coating operation" at proposed 40 CFR 63.11180 is very broad and does not indicate that the term is limited to only the spray application of coatings. Also, proposed §63.11170 cites this definition and then states, "Miscellaneous surface coating is the application of a coating to a substrate using, for example, spray guns, brushes, or rollers." On the other hand, the requirements of proposed §63.11173(e-g) for surface coating operations (which list all of the compliance provisions for these operations) are applicable only to the spray application of coatings.

We ask that EPA clarify and revise the rule so that the surface-coating requirements (including notification and recordkeeping requirements) are applicable to only the spray application of coatings to metal and plastic parts.

This is important to help ensure that the regulated community will focus its attention on complying with the key toxic heavy metal particulate reduction requirements in a cost-effective manner, and will not be concerned with extraneous requirements that could be burdensome to meet.

DOE appreciates the opportunity to comment on the proposed rule. If you have any questions concerning these comments, please contact Ted Koss (<theodore.koss@hq.doe.gov>; 202-586-7964) of my staff.

Sincerely,

A handwritten signature in black ink that reads "Andrew C. Lawrence". The signature is written in a cursive style with a large initial 'A' and 'L'.

Andrew C. Lawrence
Director
Office of Nuclear Safety
and Environment
Office of Health, Safety and Security

cc: Stephen Fong, DOE, Office of Los Alamos Site Operations
Warren Johnson, EPA