



Department of Energy
Washington, DC 20585
June 9, 2000

Central Docket (6102)
Attn: Docket No. A-94-60
U.S. Environmental Protection Agency
401 M Street, S.W., Room M1500
Washington, DC 20460

Dear Sir or Madam:

The U.S. Department of Energy has reviewed the May 9, 2000, proposed rule, "National Emission Standards for Hazardous Air Pollutants; Standard for Emission of Radionuclides Other Than Radon from Department of Energy Facilities; Standard for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licenses and Not Covered by Subpart H" (65 FR 29934). Generally, the Department supports the use of best available science in the standard, and its application in a meaningful and cost-effective manner. We have enclosed comments for your consideration in finalizing the rule.

The Department appreciates the opportunity to comment on the proposed rule. If you have any questions concerning these comments, please contact Gustavo Vazquez of my staff at (202) 586-7629 or gustavo.vazquez@eh.doe.gov.

Sincerely,

Raymond P. Berube
Acting Director
Office of Environmental Policy and Guidance

Enclosure: as stated

DOE Comments on EPA Proposed Amendment to 40 CFR 61, Subpart H (May 9, 2000, 65 FR 29934)

1. 40 CFR 61.93 (b)(1)(ii) and (b)(2)(ii). We suggest that EPA clarify that sources whose construction began prior to the effective date of the rule, because of substantial plans, schedule and resource commitments, are "existing sources" and subject to ANSI N13.1-1969. This would make clear the status of DOE sources whose construction is already underway. Instead of October 1, 2000, we suggest, instead, that the effective date be some period of time after the rule is published as final in the Federal Register; similarly for source modifications. EPA should also clarify that the 1% of the Standard criteria does not apply to new sources, only to sources undergoing modification.

Also, EPA should provide further clarification and guidance regarding "significant modification", as used in the preamble, which would require upgrading of the stack monitoring system to the new ANSI standard. It is not clear either how modified source emissions will be evaluated. We believe that the dose threshold of 1% of the standard that triggers implementation should be calculated using emission controls; that is *actual effective dose*, not potential effective dose. This would maintain consistency with referenced Section 61.92, the overall dose standard of 10 mrem/yr effective dose equivalent (EDE) which is a calculated value using emission controls.

2. 40 CFR 61.93 (b)(2)(i)(D) and (ii)(D). These paragraphs require two different QA programs, one for existing sources and one for new or modified sources. It would be very labor intensive to meet two sets of QA specifications. We suggest that only one set, Appendix B, Method 114, apply. It provides an outline of a quality assurance plan, and would also enable facilities with compliant QA programs to continue operating. The ANSI quality assurance specification seems to have the elements of the Method 4 outline but more detail.

3. We suggest that ANSI N13.1-1969 be allowed on a case-by-case basis for certain sources of short duration such as cleanup of old tanks, buildings, and other types of remediation. Most of these projects are of short duration and do not lend themselves to the method of sampling prescribed by the proposed standard. Also for some of our decontamination and decommissioning activities, which are short term, we suggest implementation of the new standard only where there are significant modifications to the stack configuration.

4. 40 CFR 61.93(b)(1)(i)(A) and (B). Since the sources treated in these two paragraphs are independent of each other, the flow measurement methodologies for pipes and small vents should not be based on the methodology used for stacks and large vents. We recommend rewording 40 CFR 61.93 (b)(1)(i)(B) for pipes and small vents as follows:

Reference Method 2A to Part 60 of this chapter or ANSI N13.1-1999 "Sampling and Monitoring Releases of Airborne Radioactive Substances from Stacks and

Ducts of Nuclear Facilities" (incorporated by reference see 61.18) shall be used to determine velocity and volumetric flow rates for pipes and small vents.

5. "A. Justification of Proposal". In the referenced November 1994 letter from Nichols, EPA, to DOE a number of conditions are set forth for the use of the shrouded probe that are not included in the ANSI N13.1 1999. EPA should make clear in the amended regulation that for all single point sampling systems installed in DOE facilities after the effective date, only ANSI N13.1-1999 will apply.

6. 40 CFR 61.93(b)(1)(i)(C). For variable flowrates it is suggested that they be handled similarly to how they are handled in ANSI N13.1-1999. The Standard speaks to continuous flow measurement instruments. The accuracy requirement is equivalent to that of 40 CFR 52, Appendix E, Performance Specifications and Specification Test Procedures for Monitoring Systems for Effluent Stream Gas Volumetric Flowrate.