



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1868

April 18, 2012

Mr. Bryan C. Bower, Director  
U. S. Department of Energy  
West Valley Demonstration Project  
10282 Rock Springs Road  
West Valley, New York 14171-9799

EPA Approval

Dear Mr. Bower:

We have completed review of the submission, *Request for Approval to Modify the Remote-Handled Waste Facility (RHWF) to Use Plasma Arc Cutting Techniques*, dated February 23, 2012. We have also reviewed the DOE responses to our comments and requests for additional information concerning this application. All of which has been sent for our review and approval pursuant to 40 CFR Part 61, Subpart H.

Please find enclosed the approval of the application to modify the Remote-Handled Waste Facility to use Plasma Arc Cutting Techniques, WVDP-RHWF-Mod-001, signed by John Filippelli, Director, Division of Environmental Planning and Protection.

Sincerely,

for Paul A. Giardina, Chief  
Radiation and Indoor Air Branch

Enclosure

WVDP-RIIWF Mod-001  
Remote Handled Waste Facility (RIIWF)  
Approval to Construct/Modify  
Sources of Airborne Radionuclide Emissions

In compliance with provisions of the Clean Air Act, as amended (42 USC §7401 et seq.) the Department of Energy (DOE) West Valley Demonstration Project Office is granted approval to construct/modify the radioactive emission source, WVDP-RIIWF Mod-001, to include the use of Plasma Arc Cutting Techniques in the Remote Handled Waste Facility located at the West Valley Demonstration Project in West Valley, New York.

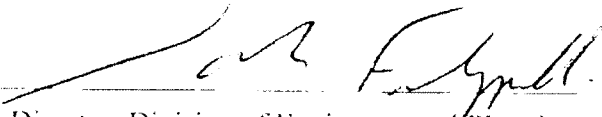
The approval is granted in accordance with the plans and materials submitted with the application and with Federal regulations governing the "National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities" (40 CFR Part 61, Subpart H). Any conditions attached to this document are considered part of this approval.

Failure to comply with the conditions or terms set forth in this approval may result in sanctions available under the authority of Section 1-604 of Executive Order 12088 as well as enforcement procedures established by the Clean Air Act.

This approval to construct/modify grants no relief from the responsibility for compliance with other applicable provisions of Federal regulations. This approval shall be effective immediately after receipt of the approval to construct/modify by the applicant.

Dated

4/18/12

  
Director, Division of Environmental Planning & Protection

CONDITIONS

I. Emergency Notification

- A. In the event of an accidental/unplanned release of radionuclides which leads to an air emission that may cause the standards of 40 CFR 61 to be exceeded; or may result in a health threat to the public; the Department of Energy (DOE) West Valley Demonstration Project (WVDP) Office shall make timely notification to state, local, and Federal agencies.
- B. Initial phone notification should include the time of the accidental release; location of accident/release; estimate of quantity released; emergency steps taken to contain/control the release; type of assistance needed; and the name and title of person reporting the incident. A brief written summary of the event shall be submitted to Director, Division of Environmental Planning and Protection (Attn: Regional Radiation Program Manager) within 30 days of the event.
- C. EPA Phone Notification - In Order of Preference
  - 1. Regional Radiation Program Manager  
Paul A. Giardina  
212-637-4010
  - 2. Health Physicist  
Jeanette Eng  
212-637-3765
  - 3. National Response Center  
800-424-8802
- D. New York State Phone Notification - In Order of Preference
  - 1. NYS Department of Health  
Director, Bureau of Environmental Radiation Protection  
Stephen Gavitt  
518-402-7550
  - 2. NYS Department of Environmental Conservation  
Chief, Radiological Sites Section  
Timothy Rice  
518-402-8579
  - 3. New York State Warning Point  
518-457-2200

II. Permit Expiration

- A. Approval to construct/modify is not transferable to another owner/operator.
- B. The DOE may submit to the Regional Administrator (Region 2 Environmental Planning and Protection Division Director) a written application for a determination

of whether actions intended to be taken by the WVDP constitutes a modification or construction of a source subject to the standard. The Regional Administrator will notify the owner/operator of his determination within 30 days after sufficient information to evaluate the application (40 CFR 61.06).

- C. If intended actions to be taken by the WVDP are determined to constitute construction/modification which effects existing permitted sources, the permit and conditions shall supersede and/or amend the existing permit.
- D. Updates in notification requirements and phone contacts supersede previously submitted notification requirements and phone contacts.

### III. Startup Notification

The 30-day notification of initial startup is waived for this modification of an existing source. Notification of modification startup on May 1, 2012, provided by letter from DOE dated April 5, 2012.

### IV. Operations/Maintenance

- A. Operations, testing and maintenance described in the application and associated correspondence shall apply.
- B. The facility owner/operation shall maintain all equipment, facilities, and systems installed or used to achieve compliance with the standard (40 CFR 61.92) in accordance with 40 CFR 61 Subpart II, your application and associated correspondence, and in a manner consistent with good air pollution control practices for minimizing emissions.
- C. Records of operations, maintenance, inspection, testing, repair, monitoring data, and Standard Operating Procedures for conducting such activities shall be maintained pursuant to 40 CFR 61.12(c) and provided to EPA Region 2 upon request.
- D. Correspondence associated with WVDP-RIIWF
  - a. April 13, 2012, email: Moira Maloney to Jeanette Eng, "RHWF NESIAPs Request for Approval: Follow-up to April 12, 2012 Call with EPA".
  - b. April 5, 2012, letter: Bryan C. Bower to P.A. Giardina, "Response to United State Environmental Protection Agency (USEPA) Regarding the Request for Approval to modify the Remote-Handled Waste Facility (RHWF) to Use Plasma Arc Cutting Techniques".
  - c. March 29, 2012, email: Jeanette Eng to Moira Maloney, "RHWP Recalculations", additional comments on February 23, 2012, submittal.
  - d. March 19, 2012, email: Jeanette Eng to Moira Maloney, "Regarding Application", comments on February 23, 2012, submittal.

- c. February 23, 2012, letter; Bryan C. Bower to P.A. Giardina, "Request for Approval to Modify the Remote-Handled Waste Facilities (RHWF) to Use Plasma Arc Cutting Techniques".

V. Severability

The provisions of this approval to construct/modify are severable, and, if any provision of this approval to construct/modify is held invalid, the remainder of this approval to construct/modify shall not be affected thereby.

VI. Other Applicable Regulations

The owner/operator shall construct and operate the source in compliance with all other applicable provisions of 40 CFR 52, 60, and 61.

VI. Agency Notification

All correspondence as required by this approval to construct/modify shall be sent to:

U.S. Environmental Protection Agency  
Director, Division of Environmental Planning & Protection  
Attention: Regional Radiation Program Manager  
290 Broadway  
New York, NY 10007