



MAR 25 1991

Reply To
Attn Of: AT-082

E.A. Bracken
Director, Environmental Restoration Division
Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352



Dear Ms. Bracken:

The purpose of this letter is to provide Environmental Protection Agency (EPA) regulatory guidance regarding activities which constitute commencement of construction and require EPA approval in accordance with 40 CFR 61. This guidance was requested at a meeting held on March 18, 1991 and attended by representatives of the EPA, DOE, Westinghouse, and the State of Washington. The topic of the meeting was the proposed 242-A Evaporator Condensate Treatment Facility (Project C-018H). As proposed, this facility falls under the provisions of 40 CFR 61 Subpart H for radionuclide emissions from DOE facilities.

40 CFR 61 requires that approval by the EPA be obtained prior to commencement of construction of any stationary source subject to the standards of 40 CFR 61. Construction is defined in 40 CFR 61.03 as "fabrication, erection, or installation of an affected facility". It has been the policy of the EPA that certain limited types of construction activities (e.g. planning, ordering of equipment and materials, site-clearing, grading, and on-site storage of equipment and materials) may be conducted prior to issuance of a permit, but would be undertaken at the financial risk of the operator.

For the purposes of 40 CFR 61 compliance with regard to the C-018H Project, the EPA position is summarized as follows:

1. Activities preliminary to groundbreaking (e.g. planning, procurement, storage of equipment) do not constitute commencement of construction. Such activities, if performed prior to approval of construction, would however be undertaken at the financial risk of the operator.

2. On-site activities of a permanent nature (e.g. installation of foundations) aimed at the completion of a source subject to the standards of 40 CFR 61 will be considered construction requiring approval prior to commencement.

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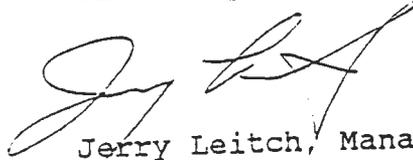
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The preliminary schedule provided at the March 18 meeting provides for submittal of application packages prior to commencement of construction (site preparation). This schedule is consistent with the requirement to obtain EPA approval prior to the commencement of construction.

Sincerely,



Jerry Leitch, Manager
Radiation Programs

cc: J. Willenberg, WA-DOE
M. Robertson, WA-DOH

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