



**Department of Energy**  
Carlsbad Field Office  
P. O. Box 3090  
Carlsbad, New Mexico 88221  
October 5, 2017

Mr. Jonathan D. Edwards, Director  
Office of Radiation and Indoor Air  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW – MC 6608T  
Washington, D.C. 20460

Subject: Compliance Recertification Application (CRA) 2019

Dear Mr. Edwards:

The Department of Energy (DOE) will defer submitting a Performance Assessment (PA) for the submittal of the next Compliance Recertification Application (CRA) planned for March 2019. This decision is justified based on the following:

- There have been no significant changes submitted through the regulatory process since the CRA-2014.
- A PA based on 2017 information would not be significantly different than the CRA-2014.
- The EPA raised a number of technical concerns and provided recommendations on how to resolve them in the recertification decision announced in July, 2017. If a PA were to be performed by the initial CRA-2019 submittal deadline, in order to address some of the EPA recommendations, the data cut-off date would need to be December 31, 2017. This would provide insufficient time—less than three months—to fulfill the quality assurance requirements in 40 CFR 194.22 to prepare technical, regulatory and a quality assurance justification that defends data, parameters, potential software changes and computational results under a Nuclear Quality Assurance (NQA)-1, NQA-2, and subpart 2.7 compliant program.

This deferral realizes the following gains/benefits for the federal government:

- As has been performed for all prior CRAs, DOE stands ready to perform a Performance Assessment Baseline Calculation (PABC) after submittal of the initial CRA-2019 documentation. This PABC would incorporate appropriate changes and updates, if needed, based on EPA's review of the CRA and contribute to the basis for EPA's recertification decision.
- DOE could have additional time to evaluate the recommendations from the recent Federal Register Notice.
- DOE and EPA could complete at least two technical exchanges to streamline the preparation of initial PA documentation for DOE (and initial review by EPA) and allow both the DOE and EPA to focus on the scope and content of a PA.

- Technical and scientific work conducted past the December 31, 2017 data cut-off date could be published in the peer reviewed literature after that date and may be available for consideration in a PA.

Not deferring a recertification performance assessment would result in the following negative impacts and costs:

- Submitting a PA with this CRA submission would consume significant personnel resources that would prevent or significantly delay DOE directed technical and scientific work activities, and likely not allow technical staff to fully participate in the technical exchanges.
- The results of such a PA would so closely resemble the results of the PA submitted for CRA-2014 that a comparison of one PA with the other would be uninformative. A PABC calculation would likely be performed as a result and require additional review by EPA.

Although the PA would be deferred, the Department would still include all information required by 40 CFR 194.15, *Content of compliance re-certification application(s)*, in the CRA-2019 application.

Enclosed is a notional timeline illustrating the proposed path forward with regard to the submittal of CRA-2019. We stand ready to provide any further information. Agreement on this approach will establish the framework to proceed with CRA preparation as well as allow for more detailed discussions on future topics.

In closing, DOE recognizes and welcomes reinstating the technical exchanges mentioned above that would provide an appropriate forum for constructive dialogue and decision making on such topics. The DOE is committed to an initial CRA-2019 technical exchange meeting the week of November 6, 2017 with following meetings in January and February.

Based on discussions with your staff, the first technical exchange will be devoted to defining, in more detail, the information and analyses that would be included in the initial CRA-2019 application and an EPA presentation on that agency's concerns with the current approach to modeling direct brine release. Further technical exchanges will be continued such that DOE and EPA can continue to discuss/resolve additional issues jointly agreed upon. We believe these technical meetings are extremely valuable and beneficial to both EPA and DOE.

Thank you,



Todd Shrader, Manager  
Carlsbad Field Office

Enclosure

Mr. Jonathan D. Edwards

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October 5, 2017

cc:

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\*ED denotes electronic distribution

# Compliance Recertification Summary Schedule

As of 09/18/17

