Department of Energy
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MEMORANDUM FOR DISTRIBUTION

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SUBJECT: Review of Department of Energy Non-Time-Critical Removal Actions by the National Remedy Review Board

Purpose

The purpose of this memorandum is to announce an agreement between the Department of Energy (DOE) and the U.S. Environmental Protection Agency (EPA) regarding review of proposed DOE Non-Time-Critical Superfund Removal Actions (NTCRA) by EPA's National Remedy Review Board (NRRB). Effective immediately, the NRRB will review all DOE NTCRA decisions that are estimated to cost more than $30 million while continuing to review proposed remedial cleanup decisions according to previously established criteria.

Background

EPA has implemented a series of Superfund reforms intended to accelerate the pace of cleanups, reduce cleanup costs, promote economic redevelopment, and better integrate Federal and State cleanup programs. Establishment of the NRRB in 1996 was one of the principal Superfund reforms. The NRRB consists of managers or senior technical or policy experts from EPA's Headquarters and regional offices who possess both a regional and national perspective in the remedy selection process. The NRRB meets quarterly to review proposed Superfund cleanup decisions to ensure they are cost-effective and otherwise consistent with Superfund law, regulations, and guidance.

Specifically, the NRRB reviews all Federal and non-federal proposed response action decisions that meet the following cost-based review criteria.

- The action costs more than $30 million; or
- The action costs more than $10 million and is 50 percent greater in cost than the least costly, protective, cleanup alternative that complies with other laws or regulations applicable or relevant and appropriate to the response.

For DOE sites where the primary contaminant(s) of concern are radioactive, these criteria are raised to $75 million, and $25 million when 50 percent greater in cost.

Although DOE as lead agency has the authority to select and implement removal actions at its facilities whenever it deems necessary, all parties benefit when regulatory agencies are provided meaningful involvement in the planning and decision process. Therefore, DOE, after consultation with its field offices, has agreed to support NRRB reviews of those NTCRA decisions estimated to exceed $30 million; a practice EPA began in October 1997 for non-federal facility NTCRAs.

Implementation

DOE field offices should work with their EPA regional counterparts to identify all proposed NTCRAs that are estimated to exceed $30 million as possible candidates for NRRB review. EPA's regional staff can provide assistance in addressing project-specific questions and establishing a review schedule to avoid potential delays in implementing a response. *As a general rule, the review should occur before the Engineering Evaluation/Cost Analysis (EE/CA) is issued for public comment.*

Contacts

Any questions or comments may be directed to Bruce Means in the Office of Emergency and Remedial Response at EPA (703-603-8815), Tim Mott in the Federal Facilities Restoration and Reuse Office in EPA at (202-260-2447), or Steve Golian in the Office of Program Integration at DOE (301-903-7791). We also encourage you to visit the NRRB home page (http://www.epa.gov/superfund/oerr/nrrb/nrrb.htm) to access further information on the NRRB and its review process.

cc: J. Owendoff, DOE
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