



**Savannah River Site  
Citizens Advisory Board  
Recommendation 225**

**Public Notification Requirements for Non-Time-Critical Removal Actions**

**Background**

In 1994, the Secretary of Energy determined that the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) apply to the decommissioning of DOE facilities when appropriate. As a result, the *Policy on Decommissioning of Department of Energy Facilities under the Comprehensive Environmental Response, Compensation, and Liability Act* was signed on May 22, 1995 by the Assistant Administrators at the EPA and by the DOE's Assistant Secretary for Environmental Management. The policy establishes that decommissioning activities will be conducted as non-time-critical (NTC) removal actions under CERCLA, unless the circumstances at the facility make it inappropriate.

NTC removals respond to releases where a planning period of at least six months is available before onsite activities must begin and the need is less immediate. For NTC removals the lead agency must perform an engineering evaluation/cost analysis (EE/CA) to analyze removal alternatives. The EE/CA identifies the objectives of the removal action and analyzes the effectiveness, implementability, and cost of various alternatives that may satisfy these objectives. Thus, an EE/CA serves an analogous function to, but is more streamlined than, the remedial investigation/feasibility study (RI/FS) conducted for remedial actions.

DOE-SR is a lead agency under CERCLA and has the authority, in some instances, to pursue removals without formal regulatory concurrence. However, as a result of a 2003 Memorandum of Agreement between the three parties, DOE-SR does coordinate EE/CA actions at SRS with EPA and SCDHEC and integrates them into the decommissioning process.

Prior to conducting a NTC removal action at SRS, the EE/CA undergoes a 30-day public review period after it has been presented to the regulatory agencies. The review period begins with an announcement of the availability of the Notice of Intent (NOI) in local major newspapers and through the SRS's Environmental Bulletin. An Action Memorandum will be prepared after the public comment period ends. The Action Memorandum is a decision document that presents the selected removal action alternative and explains the rationale for the selection. The Action Memorandum also includes responses to public and regulatory agencies' comments and concerns raised during the public comment period. DOE-SR sends a copy of the Action Memorandum identifying the selected alternative and response to agency and public comments to EPA and SCDHEC. Both the Action Memorandum and response to comments are then included in the Administrative Record File/Information Repository File (ARF/IRF) (Ref. 1).

The Administrative Record makes available the information considered or relied on in the removal action selection and provides the opportunity for public involvement. An Information Repository File contains information and documents that do not meet the definition of Administrative Record Files but that contain site and unit information, documents on site and unit activities, and general information. The ARF/IRF is available at the University of South Carolina Libraries - Aiken and Columbia on microfilm and/or CD.

**Comments**

The SRS CAB appreciates the time and effort DOE-SR expended in conducting the public workshop on the engineering evaluation/cost analysis process on October 18, 2005. Participants found the workshop to be very informative, and the number of questions they posed exemplified their interest.

The SRS CAB believes the use of non-time-critical removal actions for conducting decommissioning activities effectively integrates regulatory agency oversight responsibility; DOE lead agency responsibility, and state and stakeholder participation. However, one improvement in the stakeholder

participation area concerning the EE/CA process was identified at the EE/CA public workshop. It deals with the need for improved public notification of the Action Memorandum.

Under the current process EPA and SCDHEC receive a copy of the Action Memorandum identifying the selected alternative and response to agency and public comments, then the Action Memorandum and response to comments are made part of the ARF/IRF. Public stakeholders interested in a particular EE/CA are not made aware of the response to comments and the Action Memorandum unless they continuously check the ARF/IRF, which can be a tedious task. The public needs a better way to know when the Action Memorandum and response to comments for a particular EE/CA are finalized, so they may have an opportunity to review this important information.

### **Recommendation**

Because of the need for improved public notifications of an Action Memorandum, the SRS CAB recommends that:

DOE-SR file a notice in the site's *Environmental Bulletin* when the Action Memorandum and response to comments for an EE/CA for a Non-Time-Critical Removal Action has been placed in the Administrative Record File/Information Repository File (ARF/IRF). DOE-SR shall do this within two weeks following its publication in the ARF/IRF. DOE-SR shall also note the location and/or number in the ARF/IRF of the Action Memorandum and response to comments for the EE/CA being placed therein.

### **References**

1. Public Workshop on Engineering Evaluation/Cost Analysis, presented by DOE-SR during the FD&SR Committee meeting, October 18, 2005.

### **Agency Responses**

[Department of Energy-SR](#)