

# DOE M435.1-1 Exemptions for Use of Non-DOE Facilities Presentation for the Analytical Services Program Annual Training Workshop Series

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- 1992 -The Federal Facilities Compliance Act (FFCA) enacted
- Post 1992 DOE implements FFCA
  - Inventory reports and Site Treatment Plans
- The commercial marketplace responds offering low-level radioactive waste (LLW) and mixed LLW (MLLW) treatment, storage, and disposal (TSD) services
  - DOE avoids the need for new treatment facilities.
  - All DOE sites have access to nationwide contracts for TSD services
  - Commercial LLW/MLLW disposal facilities are licensed and available, including disposal of DOE waste.

- DOE's Radioactive Waste Management Manual (M435.1-1) summarizes the current policy on use of non-DOE (commercial) TSD in Chapter I .2. F. (4) .

*DOE waste shall be treated, stored, and in the case of low-level waste, disposed of at the site where the waste is generated, if practical, or at another DOE facility. **If DOE capabilities are not practical or cost effective, exemptions may be approved to allow use of non-DOE facilities for the storage, treatment, or disposal of DOE radioactive waste ...***

- DOE Field Element Managers (FEM) are responsible for approving exemptions to use non-DOE facilities.
- Copies of FM-approved exemptions are sent to DOE-headquarters (EM-4.22, AU-22, and the program organization).

# Exemption Requirements

Such non-DOE facilities shall:

1. Comply with applicable Federal, State, and local requirements;
2. Have the necessary permit(s), license(s), and approval(s) for the specific waste(s); and
3. Be determined by the FEM to be acceptable **based on a review conducted annually by DOE.**

- Exemptions shall be documented to be cost effective and in the best interest of DOE, considering:
  - Alternatives for on-site disposal, an alternative DOE site, and available non-DOE facilities
  - Life-cycle cost and potential liability
  - Protective of public health and the environment.
- Waste characterized and certified to meet waste acceptance criteria.
- Environmental compliance documented.
- Consultation and notification required.

## Where DOECAP Comes in..

- In order to comply with the requirements, DOE FEMs must complete an annual review.
- Multiple reviews are costly and time-consuming to both DOE and commercial facilities.
- DOECAP's work streamlines this by providing a single point source for annual reviews (one vs. many) resulting in time and cost savings to DOE and the service provider.

- Will incorporate lessons learned from over 20 years of implementation (including the 2010 complex wide review and recent waste management review by DOE Enterprise Assessments).
- Will align with current DOE policies (the Order will be expanded to include requirements and the Manual deleted).
- Resumes the revision put on hold in 2016.
- Using an integrated project team approach, with representation from involved programs and sites.
- Targeting a list of potential changes assigned to sub-teams.
- Planning for a revised Order to the Directives Review Board in 2022.

Questions?