U.S. Department of Energy
Hanford Site

August 18, 2023

Electronic Mail: [redacted]

Ms. Julie Reddick
[redacted]

Dear Ms. Reddick:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2023-01274)

This office is in receipt of your electronic *Freedom of Information Act* (FOIA) request seeking the following documents:

1. All revisions of the U.S. Department of Energy Hanford procedure DOE-PRO-EM-50485, *Exemption for DOE Waste Treatment Storage and Disposal in Non-DOE Facility*.
2. A copy of DOE Letter 23-PFD-001326 (a DOE Review for Continued Acceptability).

Your request was assigned to DOE's Richland Operations Office Project and Facilities Division to conduct a search of its files and the documents are enclosed.

For the purpose of assessment of fees, you have been categorized under DOE regulation 10 CFR 1004.9(b)(4) as an "other" requester. Requesters in this category are provided two hours of search time and 100 pages of photocopies at no charge. As the information you have requested pertains to a similar request you submitted to this office (see FOIA request assigned tracking number 2023-00428), your requests have been aggregated for the purpose of determining fees. However, because costs associated with both requests fell under $15.00, the threshold for charging fees under the FOIA, there are no fees associated with your request at this time.

You may contact the DOE Hanford Site FOIA Public Liaison, Richard Buel, at (509) 376-3375, or by mail at P.O. Box 550, Richland, Washington, 99352 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you have any questions regarding your request, please contact me at our address provided on page 1 or at (509) 376-6288.

Sincerely,

Original Signed By

Dorothy Riehle
Freedom of Information Officer
Hanford Site Office of Communications

HOC:DCR

Enclosures

U.S. Department of Energy
Hanford Site

April 27, 2023

23-PFD-001326

Mr. John R. Eschenberg, President
and Program Manager
Central Plateau Cleanup Company LLC
2620 Fermi Avenue
Richland, Washington 99354

Dear Mr. Eschenberg:

CONTRACT NO: 89303320DEM000030 REVIEW OF EXEMPTIONS FOR THE USE OF NON-U.S. DEPARTMENT OF ENERGY RADIOACTIVE WASTE TREATMENT AND DISPOSAL FACILITIES

References:
(1) DOECAP letter from S. Clark to K. Mee, Diversified Scientific Services, Inc., no subject, dated January 12, 2023 (Audit ID: 220921-DSSI).

(2) DOECAP letter from S. Clark to R. Self, Perma-Fix Florida, Inc., no subject, dated November 21, 2022 (Audit ID: 220809-PFF).

(3) DOECAP letter from S. Clark to C. Cannon, Perma-Fix Northwest, Inc., no subject, dated August 25, 2022 (Audit ID: 220504-WCS).

(4) DOECAP letter from S. Clark to J. Britten, Waste Control Specialists LLC, no subject, dated August 8, 2022 (Audit ID: 220504-WCS).

(5) DOECAP letter from S. Clark to D. Booth, EnergySolutions, LLC-UT, no subject, dated June 16, 2022 (Audit ID: 220405-ESU).

This letter serves as the Field Element Manager's annual acceptability determination required by Chapter 1, Section 2.F.(4)(a)3 of DOE Manual 435.1-1 for continued use of non-U.S. Department of Energy (DOE) facilities for treatment of Hanford generated wastes: Diversified Scientific Services, Inc., Perma-Fix of Florida, Inc., Perma-Fix Northwest, Inc., Waste Control Specialists LLC, and EnergySolutions, LLC-Utah.

The determination is based on review of the referenced 2022 DOE Consolidated Audit Program (CAP) audit reports for these facilities and requires renewal on an annual basis.

The DOECAP ensures that contracted commercial treatment, storage, and disposal facilities are audited on their ability to provide services in a manner that is technically defensible and legally compliant, based on established contractual and applicable regulations, and in a manner protective of human health and the environment.

If you have any questions, please contact me, or you may contact Bill Hamel, Assistant Manager for the River and Plateau, at (509) 373-9971.

Sincerely,

Brian T. Vance

Digitally signed by Brian T. Vance
Date: 2023.04.27 17:05:29 -07'00'

Brian T. Vance
Manager

PFD:MSF

cc: M. A. Davis, CPCCo
K. A. Downing, CPCCo
M. L. Myrick, CPCCo
A. D. Treml, CPCCo

U.S. DEPARTMENT OF ENERGY

DOE-PRO-EM-50485

Exemption for DOE Waste Treatment Storage and Disposal in Non-DOE Facility

Revision 0, Change 0

Published: 12/02/2019
Effective: 11/20/2019

Management System: Environmental Management

Point of Contact: Pyles, Gary
Management System Steward: Boyd, Wesley

Use Type: Administrative

Periodic Review Due Date:03/14/2024
Publication Correction:01/06/2021
Rev. 0, Chg. 0

Change Summary

Description of Change

This procedure was pulled from DOE-RL-PRO-EM-50230, Radioactive Waste Management, and is being made a stand-alone, Level 1 procedure applicable to both RL and ORP in the new format.

Procedure:	DOE-PRO-EM-50485.docx
Priority:	
Procedure Action Number:	DPMS-153027
Procedure Number:	DOE-PRO-EM-50485
Procedure Title:	Exemption for DOE Waste Treatment Storage and Disposal in Non-DOE Facility
Owning Organization:	Assistant Manager for River and Plateau (AMRP-RL)
Management System Steward (MSS):	Boyd, Wesley
Point of Contact (POC):	Pyles, Gary
Justification:	Complete Periodic Review
Justification Comment:	
Original Revision Number:	0
Original Change Number:	0
Procedure Type:	Procedures (Level 1/3)
Use Type:	Administrative
Management System:	Environmental Management
Level:	Level 1 - DOE Hanford
Vital Record:	No
Controlled Use (OUO):	No
OCRWM:	No
Rad Work:	No
ISMS Implementing:	No
Alternate Management System Steward	
Procedure Writer Assistance Requested:	No
Procedure Writer:	Robillard, Kimberly
Periodic Review Due Date:	03/14/2024

Complete Periodic Review

Complete Periodic Review | Electronic Records

Start Periodic Review	Completed by: Pyles, Gary
	Pyles, Gary completed: 03/14/2022 02:10 PM
Complete Periodic Review	Completed by: Pyles, Gary
	Pyles, Gary completed: 03/14/2022 02:27 PM

Checklist

1	Does the document need to be cancelled? **If yes, then initiate a cancellation.**	03/14/2022 **NO**
2	Is this procedure a candidate for integration with another document? **If yes, then initiate a new procedure and request procedure writer assistance.**	03/14/2022 **NO**

3	Is the document appropriately identified as the correct document type and level (for example, level 1, 2, or 3; procedure; plan; requirements document)? **If no, then initiate a revision or minor change and request procedure writer assistance.**	03/14/2022 **YES**
4	Is the procedure prepared in the DOE Hanford format? **If no, then initiate a revision and request procedure writer assistance.**	03/14/2022 **YES**
5	Do the title, purpose, and scope statements adequately reflect the actual content of the procedure? **If no, then initiate a change or revision, as appropriate.**	03/14/2022 **YES**
6	Have outstanding change requests been addressed? **If no, then process changes and initiate a minor change or revision, as appropriate.**	03/14/2022 **N/A**
7	Does the document require an update to incorporate/achieve alignment with requirements or other source information? **If yes, then initiate a revision or change, as appropriate.**	03/14/2022 **YES**
8	Are the current work instructions adequate to accomplish the stated purpose of the document? **If no, then initiate a revision.**	03/14/2022 **YES**
9	Are interfacing document citations correct? **If no, then initiate a minor change.**	03/14/2022 **YES**
10	Are all forms used during the performance of the work identified in the Forms section of the product (where applicable) and made available through the Hanford Site Forms library? **If no, then initiate minor change. Publish the form on Hanford Site Forms.**	03/14/2022 **N/A**

Periodic Review Completed On 03/14/2022 - Change Required
03/14/2022 02:27 PM Revision Stated

Complete Periodic Review | Electronic Records

PDF Creation

Exemption for DOE Waste Treatment Storage and Disposal in Non-DOE Facility

Published Date: 11/20/2019 Effective Date: 11/20/2019

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1.0 INTRODUCTION

1.1 Purpose

If DOE capabilities are not practical or cost effective, this exemption process may be used to allow the use of non-DOE facilities for the storage, treatment, or disposal of DOE radioactive waste. It supports the radioactive waste management program description.

This process does not apply to spent fuel and items still considered product.

1.2 Scope

This procedure includes the methods for handling exemption for DOE waste treatment storage and disposal activities in non-DOE facilities.

Definitions of terms specific to this procedure are presented in Appendix A, *Glossary*.

1.3 Applicability

The provisions of this procedure apply to all DOE Hanford and general support service contractor employees who review Hanford Site requests to use non-DOE radioactive waste treatment, storage, or disposal facilities.

1.4 Implementation

This procedure is effective upon publication.

2.0 RESPONSIBILITIES

2.1 Department of Energy Manager

The DOE manager approves exemptions for use of Non-DOE facilities for storage, treatment, or disposal of DOE radioactive waste.

2.2 Assistant Managers

The assistant managers Identify waste streams within organization that would require the use of a non-DOE facility for storage treatment, disposal of DOE radioactive waste, and develop exemption request packages.

2.3 Radioactive Waste Management Point of Contact

The radioactive waste management point of contact (POC), reviews exemption request packages to ensure compliance with DOE M 435.1-1, *Radioactive Waste Management Manual, and* supports assistant managers as needed.

3.0 TRAINING

None

4.0 PROCESS

Follow the steps below when DOE titled radioactive waste must be treated, stored, or disposed in a non-DOE facility.

Actionee	*Step*	*Action*
Assistant Managers	1.	IDENTIFY candidate waste streams that requires non-DOE treatment, storage, or disposal.
	2.	DETERMINE (in concert with other waste management functions) if the waste can be treated, stored, or disposed in onsite treatment or disposal facilities.
	3.	DETERMINE the availability of facilities, disposal facility support, or contracts for non-DOE facilities and select a proposed non-DOE facility based on the following requirements: • compliant with applicable federal, state, and local requirements • has the necessary permit(s), license(s), and approval(s) for the specific waste(s) • deemed acceptable, by the manager, based on a review conducted annually by DOE for existing non-DOE facilities
	4.	IF commercial treatment, storage, and disposal are necessary, THEN PREPARE an exemption package, (refer to Appendix B, *Exemption Request Package Contents*).
		NOTE: The contractor may conduct development actions at DOE's discretion.
	5.	DEVELOP the draft exemption package for DOE Manager approval.
Radioactive Waste Management POC	6.	REVIEW and COMMENT on the draft exemption package.
Assistant Managers	7.	RESOLVE any omissions or deficiencies identified in the DOE review for non-DOE facilities.
Radioactive Waste Management POC	8.	RECOMMEND approval or disapproval to the originating assistant manager. This is captured through ESTARS.

Actionee	*Step*	*Action*
		NOTE: Copy the Office of Health, Safety, and Security, the Office of Environmental Management, and the program secretarial officer to ensure they have been provided the basis for using any non-DOE radioactive waste facility prior to the use of such facilities.
Assistant Managers	9.	PREPARE exemption request package for the DOE Manager approval.
DOE Manager	10.	APPROVE or DISAPPROVE exemption request.
Assistant Managers	11.	ENSURE non-DOE facilities are reviewed annually if continued use is planned in accordance with Appendix C, *Reviews and Audits of a Proposed Facility*.
	12.	Review annually the approved exemption request to ensure use of commercial facilities are covered, if not INITIATE request as necessary.

5.0 FORMS

None

6.0 RECORD IDENTIFICATION

All records are required to be managed in accordance with DOE-PRO-IM-50507, *Records Management*.

Records Capture Table

Name of Record	QA Record? Y/N	QA Record Retention L/NP	Vital Record? Y/N	Record Contains PII? Y/N	Record Schedule	Record Retention	Site Form #	Record Storage Location	Responsible for Submittal
Exemption Request Package	N	N	N	N	ENV-6.b	PERM	N/A	IDMS	Assistant Manager for River and Plateau
Exemption Request Package Approval	N	N	N	N	ENV-6.b	PERM	N/A	IDMS	Assistant Manager for River and Plateau

IDMS = Integrated Document Management System
L = Lifetime
N = No
NP = Nonpermanent

PII = Personally Identifiable Information
QA = Quality Assurance
RHA = Records Holding Area
Y = Yes

6.0 SOURCES

6.1 Requirements

DOE O 435.1, 1999, *Radioactive Waste Managemen*t, U.S. Department of Energy, Washington, D.C.

DOE M 435.1-1, 1999, *Radioactive Waste Management Manual*, U.S. Department of Energy, Washington, D.C.

6.2 Commitments

None

6.3 References

DOE-PRO-IM-50507, 2020, *Records Managemen*t, U.S. Department of Energy, Richland, Washington.

6.4 Bases

None

Appendix A Glossary

Term	Definition
Composite Analysis	An analysis that accounts for all sources of radioactive material that may contribute to the long-term dose projected to a hypothetical member of the public from an active or planned low-level waste disposal facility. The analysis is a planning tool intended to provide a reasonable expectation that current low-level waste disposal activities will not result in the need for future corrective or remedial actions to ensure protection of the public and the environment.
Disposal	Emplacement of waste in a manner that ensures protection of the public, workers, and the environment with no intent of retrieval and that requires deliberate action to regain access to the waste.
Facility	See Radioactive Waste Management Facility.
High-Level Waste	The highly radioactive waste material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and other highly radioactive material that is determined, consistent with existing law, to require permanent isolation.
Low-Level Waste	Radioactive waste that is not high-level radioactive waste, spent nuclear fuel, transuranic waste, byproduct material (as defined in Section 11e.(2), “Definitions,” of the Atomic Energy Act of 1954, as amended), or naturally occurring radioactive material.
Low-Level Waste Disposal Facility Federal Review Group (LFRG)	The LFRG is an independent group within the Office of Environmental Management that ensures, through review, that DOE (including the National Nuclear Security Administration) radioactive waste disposal facilities are protective of the public and environment.
Radioactive Waste	Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material that must be managed for its radioactive content.
Storage	The holding of radioactive waste for a temporary period, at the end of which the waste is treated, disposed of, or stored elsewhere.
Transuranic Waste	Radioactive waste containing more than 100 nanocuries (3700 becquerels) of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for: (1) high-level radioactive waste; (2) waste that the Secretary of Energy has determined, with the concurrence of the Administrator of the Environmental Protection Agency, does not need the degree of isolation required by the 40 CFR 191 disposal regulations; or (3) waste that the Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR 61.
Treatment	Any method, technique, or process designed to change the physical or chemical character of waste to render it: less hazardous; safer to transport, store, or dispose of; or reduce its volume. (Source: DOE O 435.1, Radioactive Waste Management.)
Waste Acceptance Criteria	Technical and administrative requirements that a waste must meet in order for it to be accepted at a storage, treatment, or disposal facility.

Term	Definition
Waste Characterization	The identification of waste composition and properties, by review of acceptable knowledge (which includes process knowledge), or by nondestructive examination, nondestructive assay, or sampling and analysis, to comply with applicable storage, treatment, handling, transportation, and disposal requirements.
Waste Management	The planning, coordination, and direction of those functions related to generation, handling, treatment, storage, transportation, and disposal of waste, as well as associated surveillance and maintenance activities.

Appendix B Exemption Request Package Contents

Exemption request packages should clearly demonstrate, through discussion and documentation by reference, how the intent of DOE M 435.1-1, *Radioactive Waste Management Manual,* and the conditions of the EM exemption are met at a non-DOE facility.. All elements specified in this section must be included in the exemption request package. Assistant managers anticipating multiple waste streams under one contract should address all elements relative to the total.

Basic waste management program documents (e.g., waste management policy and procedures, National Environmental Policy Act (NEPA) documents, quality assurance plans)) do not need to be submitted. However, complete document references must be provided so that these documents can be obtained and reviewed, if necessary.

The exemption package should include a detailed description of the waste streams, including a review of the proposed non-DOE facility that demonstrates the facility is properly licensed, permitted, and operating in compliance with all applicable laws and regulations. The following areas should be included in the description:

Waste Characterization - Describe in detail the waste streams to be shipped. Specify anticipated waste quantities, volumes, physical characteristics, the process generating the waste, and radiological and chemical characteristics. Include a description of the characterization method (process knowledge or sampling and analysis). Reference the procedure used to characterize the waste and include any sampling results.

Facility - Describe the proposed non-DOE facility to be used in terms of its licenses, permits, and ability to accept the waste for shipment. Describe the operational characteristics of the facility. Describe and provide citation for the applicable

U.S. Nuclear Regulatory Commission (NRC), U.S. Environmental Protection Agency (EPA), or state licenses and permits for the facility.

Certification of Waste Acceptance Criteria Requirements - Provide a declaration that the proposed shipment or shipment campaign is sufficiently characterized and verified to meet the waste acceptance criteria of the receiving non-DOE facility.

Transportation - Provide a declaration that all applicable Department of Transportation and EPA regulations concerning the transportation of the shipment or shipment campaign will be satisfied.

Options and Cost Estimate - Describe any alternatives and advantages/disadvantages of the shipment campaign to the non-DOE facility. Options to be included are:

- use of another DOE site facility
- use of another non-DOE facility
- onsite long-term storage
- onsite treatment and disposal, if applicable
- lifecycle cost and potential liability
- protection of public health and the environment

NEPA Analysis - Provide NEPA review. If categorical exclusion is used for the shipment or shipment campaign, document this in the exception request package. If the shipment is covered under an Environmental Assessment or Environmental Impact Statement, provide the reference to the document number and page number.

Facility Audits - Reviews/audits of the proposed facility should be provided. DOE or its contractors must conduct the audits and be current within the last year. The audits must clearly demonstrate that the disposal facility has an adequate history of operational and regulatory performance. Audits performed by one DOE entity can be referenced by another DOE entity to satisfy this requirement. Include a future review schedule.

Notification of Host State - For low-level radioactive waste disposal shipments, Assistant Managers demonstrate (include a copy of acceptance memo, permit, and/or license for delivery) that the appropriate host states have been notified and approve of shipments.

Issues/Concerns - Discuss any issues/concerns applicable to this exemption request.

Appendix C Reviews and Audits of a Proposed Facility

Reviews and audits of non-DOE facilities must be conducted annually by DOE or its contractors. A review of operational and regulatory performance conducted by one DOE entity can be referenced by another DOE entity to fulfill this requirement, provided the review/audit was comprehensive and addresses all elements of the exemption package described above. If an audit is performed, it should be evaluated using the requirements of the facility permits and licenses. The Assistant Manager and its contractor will evaluate completed reviews/audits and determine whether a specific non-DOE facility can be considered "audited" for the purposes of the DOE exemption process. If other DOE sites or entities have conducted reviews/audits of the facility, these can be used to satisfy the audit requirements.