



DoD 4715.6-R

**LOW-LEVEL RADIOACTIVE WASTE
DISPOSAL PROGRAM**

17 JAN 2001

**Office of the Under Secretary of Defense
(Acquisition, Technology, and Logistics)**



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

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FOREWORD

This Regulation is issued under the authority of DoD Instruction 4715.6, "Environmental Compliance," April 24, 1996. It prescribes procedures for implementing the Department of Defense Low-Level Radioactive Waste Disposal Program as directed in the Deputy Under Secretary of Defense (Environmental Security) memorandum "Charter for Low-Level Radioactive Waste Disposal Program", August 21, 1997.


This Regulation applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff; the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, as well as all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

This Regulation is effective immediately and is mandatory for use by all the DoD Components. The Heads of the DoD Components may issue supplementary instructions only when necessary to provide for unique requirements within their organizations.

Send recommended changes to this Regulation to:

Deputy Under Secretary of Defense
(Environmental Security)
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Washington, DC 20301-3400

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Environmental Security



Defending Our Future

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REFERENCES

- (a) Section 6901-69992(k) of title 42, United States Code, as amended
- (b) Section 9601-9675 of title 42, United States Code
- (c) Title 40, Code of Federal Regulations, Part 261.3, "Identification and Listing of Hazardous Wastes," current edition
- (d) Section 2011 et. seq. of title 42, United States Code
- (e) [DoD Instruction 4715.6](#), "Environmental Compliance," April 24, 1996
- (f) Deputy Under Secretary of Defense (Environmental Security) Memorandum "Charter for Low Level Radioactive Waste Disposal Program," August 21, 1997
- (g) Executive Order 12344, Naval Nuclear Propulsion Program
- (h) Section 7158 of title 42, United States Code

DL1. DEFINITIONS

DL1.1.1. Environmental Restoration of Low-Level Radioactive Waste. The process of identifying, investigating, and remediating sites contaminated by low-level radioactive waste (LLRW) through the Resource Conservation and Recovery Act (RCRA) (reference (a)) corrective actions or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (reference (b)) response actions and the Defense Environmental Restoration Program (DERP). These actions include Installation Restoration (IR), Formerly Used Defense Sites (FUDS), and Base Realignment and Closure (BRAC) actions.

DL1.1.2. Hazardous Waste. Waste regulated under RCRA, as amended, 42 U.S.C. 6901 et seq. (reference (b)) that is a solid waste and is either:

DL1.1.2.1. Characteristic as toxic, reactive, corrosive or ignitable under the tests established by the U.S. Environmental Protection Agency (EPA) and promulgated in 40 CFR Part 261, or

DL1.1.2.2. Listed under any of the listings promulgated by EPA in 40 CFR Part 261. See 40 CFR Part 261.3 (reference (c)) for more details.

DL1.1.3. Low-Level Radioactive Waste Disposal. Low-level radioactive waste disposal includes the packaging, handling, manifesting, transportation, treatment and/or disposition of LLRW.

DL1.1.4. Waste. (for the purpose of this Regulation) includes the following:

DL1.1.4.1. Low-Level Radioactive Waste (LLRW). Any radioactive material consistent with applicable law that the Nuclear Regulatory Commission (NRC) classifies as LLRW. For overseas locations, LLRW may include host nation defined materials.

DL1.1.4.2. Mixed Waste. Mixed waste is defined by RCRA Section 1004(41) (42 U.S.C. section 6903(41), reference (a)) to mean waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (reference (d)). It is jointly regulated by NRC or NRC's Agreement States and the Environmental Protection Agency (EPA) or EPA's RCRA Authorized States. A hazardous waste that does not meet the definition of a mixed waste would be regulated only in RCRA.

DL1.1.4.3. Naturally Occurring Radioactive Material (NORM) Waste. A waste composed of naturally occurring radioactive material whose natural radioactivity has been enhanced by some human process or activity. NORM is a subset of Naturally Occurring or Accelerator Produced Radioactive Material (NARM).

DL1.1.4.4. Naturally Occurring or Accelerator Produced Radioactive Material (NARM) Waste. A waste composed of both radioactive materials produced by an accelerator used in sub-atomic particle physics research and NORM.

AL1. ABBREVIATIONS AND/OR ACRONYMS

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| AL1.1.1. | <u>BRAC</u> | Base Realignment and Closure |
| AL1.1.2. | <u>CERCLA</u> | Comprehensive Environmental Response, Compensation, and Liability Act |
| AL1.1.3. | <u>DESC</u> | Defense Environmental Security Council |
| AL1.1.4. | <u>ESOHPB</u> | DoD Environmental, Safety and Occupational Health Policy Board |
| AL1.1.5. | <u>FUDS</u> | Formerly Used Defense Sides |
| AL1.1.6. | <u>IAG</u> | Inter-Agency Agreement |
| AL1.1.7. | <u>IR</u> | Installation Restoration |
| AL1.1.8. | <u>LLRW</u> | Low-Level Radioactive Waste |
| AL1.1.9. | <u>LLRWDAC</u> | Low-Level Radioactive Waste Disposition Advisory Committee |
| AL1.1.10. | <u>NORM/NARM</u> | Naturally Occurring Radioactive Material/ Naturally Occurring or Accelerator Produced Radioactive Material |
| AL1.1.11. | <u>RCRA</u> | Resource Conservation and Recovery Act |

C1. CHAPTER 1
GENERAL INFORMATION

C1.1. PURPOSE

C1.1.1. This Regulation implements low-level radioactive waste (LLRW) disposal policies and procedures established in the following:

C1.1.1.1. Department of Defense Instruction 4715.6, "Environmental Compliance," April 24, 1996 (reference (e)).

C1.1.1.2. Deputy Under Secretary of Defense (Environmental Security) Memorandum "Charter for Low Level Radioactive Waste Disposal Program," August 21, 1997 (reference (f)).

C1.1.2. The Department of the Army will serve as the DoD Executive Agent for LLRW disposal. The Department of the Army will also serve as the Technical Advisor to the Defense Environmental Security Council (DESC) and the Environment, Safety, and Occupational Health Policy Board (ESOHPB) for LLRW disposal.

C1.2. APPLICABILITY

C1.2.1. This Regulation applies to all DoD LLRW, mixed waste, and NORM/NARM waste disposal except:

C1.2.1.1. LLRW generated by the Navy Nuclear Propulsion Program under authority of Executive Order 12344 and 42 U.S.C. 7158 (references (g) and (h)).

C1.2.1.2. LLRW related to nuclear weapons programs.

C1.2.2. A DoD Component that generates LLRW from an environmental restoration site will coordinate its disposal plans with the Executive Agent prior to taking LLRW disposal actions. This will allow the Executive Agent the opportunity to review the plans for safety and compliance. However, LLRW disposals necessitated by environmental restoration do not require waivers of the requirement in paragraph 2.1.2.1 from the Executive Agent. In such cases, Installation Commanders shall follow applicable DoD Component Service guidelines to ensure uninterrupted and expeditious restoration of LLRW contaminated sites.

C2. CHAPTER 2
FUNCTIONS AND PROCESSES

C2.1. RESPONSIBILITIES

C2.1.1. The Department of the Army, as Executive Agent and Technical Advisor will:

C2.1.1.1. Provide oversight, and guidance for the DoD LLRW disposal program.

C2.1.1.2. Establish the DoD LLRW Disposition Advisory Committee (LLRWDAC) to review performance and policy issues of the DoD LLRW disposal program. The LLRWDAC will publish procedures necessary to carry out its duties under Chapter 1, subparagraph C1.1.1.2.

C2.1.1.3. Dispose of DoD LLRW in a safe, compliant, and cost-effective manner.

C2.1.1.4. Review requests for waivers from the requirements of paragraph C2.1.3.1, and grant waiver requests that meet the requirements of paragraph C3.1.1.2.

C2.1.1.5. Maintain liaison with Federal and State regulators and with State compacts. In addition, maintain liaison with host nations as required for resolution of overseas waste disposal issues.

C2.1.1.6. Develop and maintain procedures for LLRW disposal.

C2.1.1.7. Draft and coordinate DoD LLRW disposal policy.

C2.1.1.8. Provide technical assistance and training to the DoD Components as necessary and upon request when resources allow it.

C2.1.1.9. Maintain cognizance of state-of-the-art LLRW disposal techniques and technology to ensure that DoD uses the most efficient, compliant, and safe means for LLRW disposal.

C2.1.1.10. Maintain records of DoD LLRW disposal.

C2.1.1.11. Maintain records of DoD LLRW awaiting disposal.

C2.1.1.12. Maintain current records of applicable Federal, State, and international laws, regulations and standards for LLRW disposal that are applicable to the Department of Defense.

C2.1.1.13. Provide an annual report to the Deputy Under Secretary of Defense (Environmental Security) on the status of the DoD LLRW disposal program within 120 days following the end of each fiscal year. A copy should also be provided to the Office of Secretary of Defense, Director of Operational Test & Evaluation (Resources & Ranges).

C2.1.1.14. Perform LLRW disposal for non-DoD Federal agencies on a cost-reimbursable basis as applicable law permits and as appropriate.

C2.1.1.15. Negotiate as necessary inter-service support agreements with DoD Components and inter-agency agreements (IAGs) with other Federal agencies for LLRW disposal.

C2.1.2. Each DoD Component will:

C2.1.2.1. Dispose of LLRW through the DoD Executive Agent or apply for a waiver in accordance with Chapter 3, except as provided for by paragraph C1.2.1.

C2.1.2.2. Designate a point-of-contact for LLRW disposal matters and inform the Executive Agent of the designation.

C2.1.2.3. Assign a member to the LLRWDAC.

C2.1.2.4. Develop and publish procedures in DoD Component regulations as needed to ensure compliance with this Regulation.

C2.1.2.5. Coordinate plans to dispose of LLRW generated from part of an environmental restoration site with the Executive Agent before taking such LLRW disposal actions.

C2.1.2.6. Provide information to the Executive Agent as needed to operate and support the LLRW disposal program.

C2.2. FUNDING

C2.2.1. The Department of the Army will budget for and finance all costs associated with its Executive Agent and Technical Advisor responsibilities in Chapter 2.

C2.2.2. The DoD Components will reimburse all costs associated with LLRW disposal performed by the Executive Agent and its contractors for the DoD Component.

C2.2.3. The Executive Agent will recover all costs by reimbursement from non-DoD Federal agencies associated with LLRW disposal performed for those agencies per the IAGs.

C3. CHAPTER 3

WAIVERS

C3.1. PROCEDURES FOR REQUESTING A WAIVER

C3.1.1. A DoD Component may send a written request for waiver from the requirement of paragraph 2.1.2.1. to the Executive Agent. The waiver, if granted, will allow the DoD Component to dispose of a certain quantity or items of LLRW through its own means on a case-by-case basis.

C3.1.1.1. Component LLRW points of contact will forward waiver requests to the Executive Agent.

C3.1.1.2. Waiver requests will include cost and technical information that show LLRW disposal under the terms of the waiver to be safe, compliant, and cost-effective. Cost information will include costs of Executive Agent inspections of LLRW disposal shipments made under terms of the waiver.

C3.1.2. The Executive Agent will review the waiver request and approve or disapprove it.

C3.1.2.1. Waiver approvals will require the DoD Components to provide information about quantities, types, and disposal locations of all LLRW disposed to the Executive Agent. The information will be provided in the format that the Executive Agent uses to track LLRW disposals. The Executive Agent will monitor procedures under terms of the waiver approval as needed to ensure proper disposal of LLRW.

C3.1.2.2. Waiver disapprovals will contain explanations as to why the Executive Agent denied the waiver request.

C3.2. PROCEDURES FOR APPEALING A DISAPPROVED WAIVER

The Component may appeal disapproved waivers to the LLRWDAC for review. Further appeals of waivers disapproved by the Executive Agent or LLRWDAC will be handled via the chain of command. The LLRWDAC will publish procedures for handling waiver appeals.