



June 18, 2015

VIA E-mail and USPS mail

TLLRWDC
Mrs. Leigh Ing
333 Guadalupe Street #3-240
Austin, Texas 78701

Tel (512) 820-2930

Via Email: administration@tllrwdcc.org

Subject: Application for Importation of Non-Party Low-Level Radioactive Waste

Dear Mrs. Ing:

Please find enclosed an application of Philotechnics to import Class A, B or C low level radioactive waste and sealed sources for disposal at the Compact Waste Disposal Facility at Waste Control Specialists, LLC in Andrews, Texas. Philotechnics respectfully requests that the Petition be considered and conditionally approved by the Texas Low-Level Radioactive Waste Compact Commission at its next meeting. Philotechnics understands that the application requires export permits from the Southwest and Central compacts and written authorization from the generator authorizing Philotechnics to act as the Broker for disposal of their radioactive material. Copies of approved petitions and copies of letters from the generator are included to satisfy the Commission prior to shipment. Additional export permits and letters from generators will be submitted for generators not already included in this request to satisfy the requirement. The additional copies will be provide to the commission in one package per shipment for a maximum of five shipments or until the agreement expires. No shipments will be made into the disposal facility without written confirmation from the commission that the evidence is satisfactory.

Enclosed with the application you will find the following documents:

- Annex B Term Sheet
- Generator Certification Approval Letter
- Letter of Authority from TX DSHS
- Generator Authorization Letter
- Export Permits

The Philotechnics Petition is being sent via-FedEx and or through certified mail to the following three organizations:

Texas Low Level Radioactive Waste Disposal Compact Commission
333 Guadalupe St. #3-240
Austin, Texas 78701
Email: administration@tllrwdcc.org

Texas Commission on Environmental Quality
Bobby Janecka Radioactive Materials Licensing Section Manager

Radioactive Materials Division
12100 Park 35 Circle, Bldg F Office #1306A
Austin, TX 78753
Email: Bobby.Janecka@tceq.texas.gov

Compact Facility operator- Waste Control Specialists LLC Waste Control Specialists LLC
WCS Import Notification Mailstop
Three Lincoln Centre
Attn: Vickie Watson
5430 LBJ Freeway, Suite 1700
Dallas, TX 75240
Email: DL_WCS_Importation@wcstexas.com

Please confirm receipt. We would be pleased to provide you with any further information upon your request if you or the Commission needs more information in order to act upon the Petition. Please contact me if there are any questions.

Respectfully submitted,



Elizabeth Broda
Brokerage Manager
Philotechnics, Ltd.

attachments:
Annex B Term Sheet
Generator Certification Approval Letter
Letter of Authority from TX DSHS

ANNEX A

TEXAS LOW-LEVEL RADIOACTIVE WASTE
DISPOSAL COMPACT COMMISSION

APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL RADIOACTIVE WASTE

(NOTE: PURSUANT TO TEXAS HEALTH AND SAFETY CODE, §401.207(j), THIS APPLICATION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE OR THE GENERATOR OF THE WASTE UNLESS THE GENERATOR IS A SMALL GENERATOR AS DEFINED IN 31 TAC §675.23(o), IN WHICH CASE THE APPLICATION MAY BE SUBMITTED BY AN APPROPRIATELY LICENSED BROKER)

I. Applicant Information:

Entity Name Philotechnics, Ltd.
Contact Person Elizabeth Broda
Phone (865) 285-3004
Email ebroda@philotechnics.com
Website address http://www.philotechnics.com
Business Address 201 Renovare Blvd.
Oak Ridge, TN 37830
Mailing Address 201 Renovare Blvd.
Oak Ridge, TN 37830

- Generator
 A Broker who is a:
 Licensed Waste Processor
 Licensed Waste Collector
 Department of Defense

II. Generator Type:

- Industrial
 Academic/Research
 Medical
 Utility
 Government

Is Waste from a "Small Generator"? yes no

Term/Duration from Date of Approval: August 31, 2016

III. Description of Waste Proposed for Importation

Waste Volume (Cubic Feet) 500 cubic feet

Waste Radioactivity in Curies 15 Ci

Place of origination (State) of waste: MA, CA, IL, IN, OH, NY, AZ, OK, AR, LA, MS, AL, GA, FL, NC, VA, TN, KY, WV, MD, PA, RI, WI, MI, IA, NE, SD, ND, KS, MO, NH, DE, MN, CO, NV, NM, CT

Waste description:

May include special form material, domestic sealed sources, decommissioning source and solid radioactive material that is no longer used or wanted. May include dry active waste, metal, debris, and other discarded radioactive material.

Waste classification (Class A, Class B, or Class C): Class A, B or C

Waste form: stable unstable

Does the proposed waste consist solely of sealed sources?

- No. The waste contains no sealed sources.
- Yes. The waste contains sealed sources, but is not completely comprised of sealed sources.
Explain nature of waste: Discarded and unwanted material requiring disposal may include check sources.

IV: Compliance

Does Applicant have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) with the Texas Low-Level Radioactive Waste Disposal Compact Commission?

No Yes Please explain:

Does Applicant have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) associated with radioactive waste receipt, storage, handling, management, processing, or transportation pending with any other regulatory agency with jurisdiction to regulate radioactive material including, without limitation, the Texas Commission on Environmental Quality (TCEQ)?

No Yes. Please explain: _____

V. **Certifications.** Applicant hereby certifies the following.

- The information provided herein is complete, accurate and correct.
- The waste proposed for importation is not waste of international origin.
- The low-level radioactive waste for which this Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.
- The person submitting this Import Application is authorized by Applicant to commit Applicant to each and every obligation and condition set forth herein and in the Agreement for Importation of Nonparty Compact Waste. A copy of a written document containing such authorization must be attached to this Application.
- Applicant has delivered to the specified disposal facility and TCEQ a copy of this Application and the Agreement for Importation of Nonparty Compact Waste (along with any supplements or amendment thereto).

VI. **Authorized Signatory:**

Elizabeth Broda

Print or type name



Signature

Waste Logistics Manager

Title

June 18, 2015

Date

VII. **ATTACHMENTS:**

Annex B Term Sheet

Generator Certification Approval Letter

Letter of Authority from Texas DSHS

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION**

**ANNEX B
Term SHEET**

**Agreement for Importation of Nonparty Low-Level Radioactive Waste
into Texas Low-Level Radioactive Waste Disposal Compact for Disposal**

This Agreement for Importation of Nonparty Low-Level Radioactive Waste (“Agreement”) is dated June 18, 2015, by and between [Generator] (“Generator”) and the Texas Low-Level Radioactive Waste Disposal Compact Commission (“Commission”) (collectively the “Parties”).

I. RECITALS

WHEREAS Texas is the host state for the Texas Low-Level Radioactive Waste Disposal Compact (“Compact”), which requires the state to develop a facility for the disposal of low-level radioactive waste generated within the Compact’s party states; and

WHEREAS in compliance with the Compact and with state law, the Texas Commission on Environmental Quality (“TCEQ”) issued a license to Waste Control Specialists LLC (“Compact Facility Operator”) to construct and operate a Compact Waste Disposal Facility (“Compact Facility”) in Andrews County, Texas for the disposal of low-level radioactive waste for the Compact; and

WHEREAS the Texas Legislature has authorized the Compact Facility Operator to accept for disposal at the Compact Facility low-level radioactive waste from waste generators located outside of the Compact party states in accordance with the Compact Facility license and to the extent the acceptance of such imported waste does not diminish the disposal volume or curie capacity available to Compact party states; and

WHEREAS Chapter 403, Section 3.05(6) of the Texas Health and Safety Code authorizes the Commission to enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the Compact for management or disposal, provided that the agreement receives a majority vote of the Commission; and

WHEREAS the Texas Legislature has established additional terms and conditions in Chapter 401 of the Texas Health & Safety Code that if satisfied ensure that the importation of low-level radioactive waste will be in the State’s public interest; and

WHEREAS Generator has filed an Application for Importation of Nonparty Low-Level Radioactive Waste (“Application”) with the Commission; and

WHEREAS the Commission has processed and considered Generator's Application in accordance with applicable requirements, and a majority of the members of the Commission approved the Application and voted to enter into this Agreement; and

WHEREAS in voting to approve Generator's Application and to enter into this Agreement, the Commission considered all relevant statutory and regulatory considerations, including, but not limited to: (a) the volume, type, physical form, and total activity (radionuclide-specific activity, if needed) of the waste proposed for importation as identified in the Application; (b) the policy and purpose of the Compact; (c) the existence of unresolved violations pending against Generator with any other regulatory agency with jurisdiction to regulate radioactive material, and any comments by the regulatory agency with which Generator has unresolved violations; (d) any unresolved violation, complaint, unpaid fee, or past due report that Generator has with the Commission; (e) whether, by acceptance of this waste for disposal, the Compact Facility will remain below the applicable annual and total volume and curie capacity disposal limits set forth in Sections 401.207(e), (e-1) (if applicable), and (f)(1) of the Texas Health and Safety Code; and (f) other factors that the Commission has deemed relevant to carry out the policy and purpose of the Compact and Chapters 401 and 403 of the Texas Health and Safety Code.

II. Representations and Acknowledgements

WHEREAS The Generator represents and acknowledges the following:

- A. The generator has disclosed in its Application for Importation the existence of unresolved violations pending against the applicant with any other regulatory agency with jurisdiction to regulate radioactive material.
- B. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) that the applicant has with the Commission.
- C. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports that the applicant has with any other regulatory body, including, without limitation, the TCEQ.
- D. The generator acknowledges that a misrepresentation with respect to an item listed in A, B, or C may result in the cancellation of the agreement.
- E. The generator acknowledges the obligation to report immediately to the Commission any allegation of the violation of any law, rule or regulation related to the storage, shipment or treatment of any form of radioactive material.
- F. The generator acknowledges the right of the Commission to audit or cause to be audited compliance with the agreement.
- G. The generator affirms that no waste of international origin shall ever be included in the materials to be imported to the Compact facility.

III. AGREEMENT

NOW, THEREFORE, in the exercise of its authority under Chapter 403 of the Texas Health and Safety Code, the Commission hereby authorizes the importation of Generator's nonparty low-level radioactive waste, in the form and amounts described below ("Generator's Nonparty Compact Waste"), subject to the following terms and conditions.

- A. This Agreement shall remain in effect from June 18, 2015 through August 31, 2016 unless amended by agreement of the Parties, or revoked by the Commission prior to importation.
- B. Generator agrees to comply with Chapter 403, Section 8.03 of the Texas Health and Safety Code and shall be liable for its own acts, omissions, conduct, and relationships in accordance with applicable law.
- C. The Commission may, on its own motion or in response to a petition by the Generator for amendment of this Agreement for which prior written notice has been given to Generator and the Compact Facility Operator, revoke this Agreement, or add or delete requirements or limitations to this Agreement, provided that the Commission provides a reasonable time to allow the Generator and the Compact Facility Operator to make the changes necessary to comply with any additional requirements imposed by the Commission.
- D. This Agreement is not assignable or transferable to any other person.
- E. This Agreement is subject to receipt by the Compact Facility Operator of written certification from the TCEQ, prior to the acceptance of Generator's Nonparty Compact Waste, that the waste to be imported is authorized for disposal under the Compact Facility licensee.
- F. The applicant agrees to comply to the extent applicable with the rules related to commingling adopted by TCEQ in coordination with the Commission pursuant to Section 401.207(k), Texas Health and Safety Code
- G. The waste is described below:

Waste Volume (Cubic Feet): 500 cubic feet

Waste Radioactivity in Curies: 15 Ci

Place of origination (State) of waste: MA, CA, IL, IN, OH, NY, AZ, OK, AR, LA, MS, AL, GA, FL, NC, VA, TN, KY, WV, MD, PA, RI, WI, MI, IA, NE, SD, ND, KS, MO, NH, DE, MN, CO, NV, NM, CT

Waste description: May include special form material, domestic sealed sources, decommissioning source, and other radioactive waste that is no longer in use or wanted.

Waste classification : Class A, B or C

Waste form: stable unstable

Authorized Signatory:

BY: Elizabeth Broda

Name Elizabeth Broda

Waste Logistics Manager

Title

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

BY: _____

Name

Title