

September 27, 2012

VIA E-mail and USPS mail

TLLRWDC
Mr. Robert C. Wilson, Chair
3616 Far West Blvd., Ste. 117, #294
Austin, Texas 78731

Tel (512) 820-2930

Via Email: administration@tllrwdc.org

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

Dear Mr. Wilson:

Please find enclosed an application of Philotechnics to import 47 ft³ of low level radioactive waste for disposal in the Waste Control Specialists, LLC facility in Andrews, Texas. Philotechnics respectfully requests that the Petition be considered and approved by the Texas Low-Level Radioactive Waste Compact Commission at its next meeting.

Enclosed with the application you will find the following documents:

- Annex B Term Sheet
- Letter of Authorization to Philotechnics
- Generator Certification Approval Letter
- TDSHS Shipper/Transporter Authority Letter

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

Texas Low Level Radioactive Waste Disposal Compact Commission
3616 Far West Blvd., Suite 117, #294
Austin, Texas 78731
Email: administration@tllrwdcc.org

Texas Commission on Environmental Quality
Tonya Baer, J.D. Assistant Director and Special Counsel
Radioactive Materials Division
PO Box 13087, MC 233
Austin, TX 78711-3087
Email: Tonya.Baer@tceq.texas.gov

Compact Facility operator- Waste Control Specialists LLC Waste Control Specialists LLC
WCS Import Notification Mailstop
Attn: Vickie Watson
Three Lincoln Centre
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 need more information in order to act upon the Petition. Please contact me if there are any questions.

Respectfully submitted,



Elizabeth Broda
Waste Logistics Coordinator

attachments:
Annex B Term Sheet
Letter of Authorization to Philotechnics
Generator Certification Approval Letter
TDSHS Shipper/Transporter Authority Letter

ANNEX A

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL RADIOACTIVE WASTE

(NOTE: PURSUANT TO §401.207(j), TEXAS HEALTH AND SAFETY CODE, 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)

1. Applicant Information:

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

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

Notes:

(1) An appropriately licensed Broker may act on behalf of a Small Generator only if each such generator is identified and written authorization from each such generator is provided as an attachment hereto.

(2) While DoD Regulation 4715.6-R designates the Department of the Army as Executive Agent for disposal of low-level radioactive waste, the Commission will require that any agreement that it enters into in this regard be signed by both the Department of the Army as Executive Agent and the branch of the military that has generated the waste.

Generator Type: Industrial

Academic/Research

Medical

Utility

Government

Is Applicant the entity responsible for the waste shipment? yes no

If no, please include the name and contact information for the entity responsible for the waste shipment.

Is Waste from a "Small Generator"? yes no

2. Term/Duration from Date of Approval: April 26, 2013

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 47

Waste Radioactivity in Curies 0.007

Place of origination (State) of waste: MA

Waste description: Four drums of dry active waste debris containing ²⁴¹Am.

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

Waste form: stable unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s):

C-14 N/A millicuries (mCi)

Tc-99 N/A microcuries (uCi)

I-129 N/A nanocuries (nCi)

Depleted Uranium N/A microcuries (uCi)

Concentration N/A (provide units)

Source of generation radiopharmaceutical manufacturing decommissioning

4. Is the proposed waste a sealed source?

No. Yes. Please explain: _____

5. Does Broker and/or Generator(s) 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: _____

6. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) pending with any other regulatory agency with jurisdiction to regulate radioactive material including, without limitation, the Texas Commission on Environmental Quality?

No Yes. Please explain: _____

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

- a. The information provided herein is complete, accurate and correct.
- b. 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.
- c. The person submitting this 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.
- d. Applicant has delivered to the Compact Facility operator and TCEQ a copy of this Application and the Agreement for Importation of Nonparty Compact Waste (along with any supplements or amendment thereto).

8. **Authorized Signatory:**

William H. Button

Print or type name

William H. Button

Signature

President

Title

September 27, 2012

Date

ATTACHMENTS:

Annex B Term Sheet

Letter of Authorization to Philotechnics

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 September 27, 2012, 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 September 27, 2012 through April 26, 2013 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): 47

Waste Radioactivity in Curies: 0.007 Ci

Place of origination (State) of waste: MA

Waste description: Four drums of dry waste debris containing ²⁴¹Am.

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

Waste form

Stable

Unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s):

<input type="checkbox"/>	C-14	<u>N/A</u>	<u>millicuries (mCi)</u>
<input type="checkbox"/>	Tc-99	<u>N/A</u>	<u>microcuries (uCi)</u>
<input type="checkbox"/>	I-129	<u>N/A</u>	<u>nanocuries (nCi)</u>
<input type="checkbox"/>	Depleted Uranium	<u>N/A</u>	<u>microcuries (uCi)</u>
<input type="checkbox"/>	Concentration	<u>N/A</u>	<u>(provide units)</u>
<input type="checkbox"/>	Source of generation	<u>Radiopharmaceutical manufacturing decommissioning</u>	

[GENERATOR]

BY: William H. Button

Name William H. Button

President

Title

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

BY: _____

Name

Title



DuPont Engineering

DuPont Engineering
6324 Fairview Road
Charlotte, NC 28210
Tel. (704) 362-6630
Fax (704) 362-6636

September 27, 2012

Philotechnics, Ltd.
201 Renovare Blvd.
Oak Ridge, TN 37830

**RE: E. I. du Pont de Nemours and Company
Letter of Authorization to Philotechnics, Ltd. For Waste Handling
To Waste Control Specialists, Texas**

To Whom It May Concern:

E. I. du Pont de Nemours and Company ("DuPont") is a generator of Low Level Radioactive Waste (LLRW) that currently possesses four containers (47 ft.³) of debris waste as fully represented in the Generator Waste Profile. DuPont is requesting that Philotechnics package, label, manifest and transport this waste under all local, state, and federal guidelines to Waste Control Specialists ("WCS") in Texas. This letter is an official authorization to allow Philotechnics, Ltd. to perform these services on behalf of DuPont per the requirements specified in the attached "Application for Importation of Nonparty Low-Level Radioactive Waste."

The waste will be packaged and transported in accordance with the requirements of 49 CFR Parts 100-185 and will satisfy all requirements of Waste Control Specialists' Waste Acceptance Criteria (WAC).

Sincerely,

Stephen H. Shoemaker
Remediation Team Manager
DuPont Corporate Remediation Group

WASTE CONTROL
SPECIALISTS LLC

Generator Certification Approval Letter

Waste Control Specialists LLC
Three Lincoln Centre
5430 LBJ Freeway, Ste. 1700
Dallas, Texas 75240
972.715.9800

Date: May 4, 2012

Meghan Turvey
Vice President
Philotechnics, Ltd.
201 Renovare Blvd
Oak Ridge, TN 37830

Re: Generator Certification Identification Number – **TNPHILOPHL**

Valid: **May 4, 2012** through **May 31, 2013**

Dear Ms. Turvey,

On May 1, 2012, Waste Control Specialists LLC completed the required Generator Certification Audit and found Philotechnics, Ltd. to have a compliant waste management program and is eligible to ship waste materials to the Waste Control Specialist Compact Disposal Facility.

Be reminded, any change to Philotechnics, Ltd. waste management program which reduces administrative control requires notification to Waste Control Specialists. This Certification is valid until the last day of the month, 12 months from the date of issue.

The generator certification identification number is required on all documentation or correspondence with Waste Control Specialists LLC regarding waste disposal.

If you have any questions concerning this program, please do not hesitate to contact me at the above address or by phone.

Waste Control Specialists looks forward to doing business with you.

Yours sincerely,



Thomas Hannah
Generator Certification Manager

5/4/12
Date

Cc: Waste Acceptance Specialist – Site File



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

July 2, 2012

PHILOTECHNICS LTD
ATTN JOHN CAUDLE
201 RENOVARE BLVD
OAK RIDGE TN 37830

Expiration Date: 04/01/2013
Registration No.: W0010
Authorized Use: Shipper / Transporter

Mr. Caudle:

Philotechnics Ltd., is hereby registered to ship or transport Low Level Radioactive Waste (LLRW) to the Texas LLRW Disposal Facility pursuant to Title 25 Texas Administrative Code (TAC) §289.257. This registration will expire on the date listed above.

In addition to the requirements and restrictions of Title 25 TAC §289.257, the following conditions are imposed on your activities as a general licensee while transporting LLRW in the state of Texas:

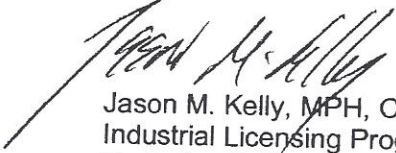
1. The registrant shall have the following in their possession at all times when transporting LLRW in Texas to the Texas LLRW disposal facility, and make them available for Texas Department of State Health Services (DSHS) review upon request:
 - a) a copy of this registration letter,
 - b) a copy of the registrant's Emergency Plan,
 - c) a uniform LLRW manifest, and
 - d) a copy of Proof of Financial Responsibility (i.e. insurance certificate).
2. The registrant shall submit a copy of the LLRW manifest including shipping, container and waste information to DSHS at least five (5) days prior to the waste shipping date. This can be faxed to: Manager, Radioactive Material Licensing Branch at (512) 834-6690 or a scanned copy emailed to the Program Coordinator, Industrial Licensing Program: ray.fleming@dshs.state.tx.us.
3. If at any time during the registration period the Emergency Plan, Proof of Financial Responsibility or Packaging Information (COC) are amended, the registrant shall provide DSHS with copies of amended documentation at least five (5) days prior to the next LLRW shipment to the Texas LLRW Disposal Facility.

Philotechnics Ltd.
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4. After this registration has expired, Philotechnics Ltd., shall apply for renewal of their registration per the requirements outlined in DSHS Regulatory Guide 2.19. The registrant shall provide DSHS with the required documentation at least fourteen (14) days prior to their next LLRW shipment to the Texas LLRW Disposal Facility.

If I may be of assistance, please contact me at (512) 834-6688 extension 2205; or by electronic mail at jason.kelly@dshs.state.tx.us.

Sincerely,



Jason M. Kelly, MPH, CPH, Health Physicist I
Industrial Licensing Program
Radiation Safety Licensing Branch

Enclosures: Emergency Telephone Notice