



September 30, 2014

**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](mailto: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 low level radioactive waste for disposal in the Waste Control Specialists, LLC Compact Waste Facility 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 permit from the Central compact and written authorization from the generator authorizing Philotechnics to act as the Broker for disposal of their radioactive material. Copies of the approved petitions and a copy of the letter from the generator will be submitted as evidence to satisfy the Commission in one additional package per shipment for a maximum of five shipments.

- Enclosed with the application you will find the following documents:
- Annex B Term Sheet
  - Generator Certification Approval Letter
  - Letter of Authority from TX DSHS

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](mailto: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](mailto:Bobby.Janecka@tceq.texas.gov)

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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  
Waste Logistics Manager



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)

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>201 Renovare Blvd.</u>
	<u>Oak Ridge, TN 37830</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 Department of Defense 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: August 31, 2016

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 400 cubic feet

Waste Radioactivity in Curies 5 Ci

Place of origination (State) of waste: Oklahoma

Waste description:

DUF4 (green salt)

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

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 5.0E+6 \_\_\_\_\_ microcuries (uCi)

Concentration \_\_\_\_\_ (provide units)

Source of generation

Uranium processing

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4. Is the proposed waste a sealed source?

No.       Yes. Please explain: \_\_\_\_\_

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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: \_\_\_\_\_

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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 (TCEQ)?

No    Yes. Please explain: \_\_\_\_\_

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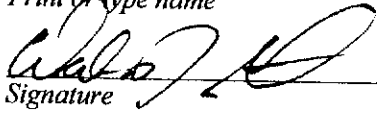
7. **Certifications.** Applicant hereby certifies the following.

- 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:**

Wesley Stout

*Print or type name*



*Signature*

Radiological Engineer

*Title*

September 30, 2014

*Date*

**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 September 30, 2014, 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 30, 2014 through August 31, 2015 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): 300 cubic feet

Waste Radioactivity in Curies: 5 Ci

Place of origination (State) of waste: Oklahoma

Waste description: DUF4 (green salt)

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

Waste form

Stable

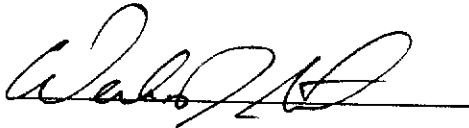
Unstable

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 checked="" type="checkbox"/>	Depleted Uranium	<u>5.0E+6</u>	<u>microcuries (uCi)</u>
<input type="checkbox"/>	Concentration		<u>(provide units)</u>
<input type="checkbox"/>	Source of generation	<u>Uranium processing</u>	

[GENERATOR]

BY:



Name Wesley Stout

Radiological Engineer

Title

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

BY:

\_\_\_\_\_

Name

\_\_\_\_\_

Title



## *Generator Certification Approval Letter*

**June 26, 2014**

Ms. Elizabeth Broda  
Waste Logistics Coordinator  
Philotechnics, Ltd.  
201 Renovare Blvd.  
Oak Ridge, TN 37830

**RE:** Philotechnics, Ltd. Generator Certification Identification Number **TNPHLOPH**

Generator Certification Valid **June 26, 2014** through **June 30, 2015**

**Dear Ms. Elizabeth Broda,**

On June 26, 2014, Waste Control Specialists LLC completed a review of the submitted Generator Certification Packet/ Corrective Action Plan and found Philotechnics, Ltd. to have an acceptable waste management program and is authorized to ship waste materials to the Waste Control Specialists LLC Compact Waste Disposal Facility (CWF).

Be reminded, any change to Philotechnics, Ltd.'s waste management program which reduces administrative control requires notification to Waste Control Specialists LLC. 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.

Waste Control Specialists LLC is pleased to have the opportunity to provide you with the quality waste management services that you need. If you have any questions or need further assistance, please feel free to contact me at (432) 525-8674 or at (432) 269-5963.

Sincerely,  
WASTE CONTROL SPECIALISTS LLC

*Thomas Huck*

Thomas Huck  
QA - Generator Certification Manager

**Corporate**  
5430 LBJ Freeway, Ste. 1700  
Three Lincoln Centre  
Dallas, TX 75240  
Ph. 972.715.9800  
Fx. 972.448.1419

**Facility**  
P.O. Box 1129  
Andrews, TX 79714  
Ph. 888.789.2783  
Fx. 432.525.8902



## 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](http://www.dshs.state.tx.us)

March 28, 2014

PHILOTECHNICS LTD  
ATTN BRIAN MORRIS  
201 RENOVARE BLVD  
OAK RIDGE TN 37830

**Expiration Date: 04/01/2015**  
Registration No.: W0010  
Authorized Use: Shipper / Transporter

Mr. Morris:

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 shipping or transporting LLRW in the state of Texas:

1. The registrant shall have the following in their possession at all times when shipping or 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: Ray Fleming, Manager, Radioactive Materials Licensing Group, at (512) 834-6690 or a scanned copy may e-mailed to [ray.fleming@dshs.state.tx.us](mailto: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.  
Page 2 of 2  
March 28, 2014

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 2628; or by electronic mail at [shawn.garza@dshs.state.tx.us](mailto:shawn.garza@dshs.state.tx.us).

Sincerely,



Shawn E. Garza, Program Coordinator  
Industrial Licensing Program  
Radioactive Materials Licensing Group

Enclosures: Emergency Telephone Notice