

July 6, 2000
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Director for Nonproliferation, Exports, and Multilateral Relations
Office of International Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: Application for Import License

Dear Sirs,

This constitutes an application for a specific license to import radioactive material, in letter format as specified in 10 CFR 110.31 (c).

a. Name and address of applicant.

Philotechnics, Ltd.
137 Union Valley Road
Oak Ridge, TN 37830

b. Name and address of supplier of equipment or material.

Depleted uranium aircraft counterweights will be accepted from various aircraft operators, aircraft parts companies, and aviation maintenance, repair and overhaul facilities throughout the United Kingdom, consolidated, packaged, and shipped by
ACB, Ltd. (Active Collection Bureau, Ltd.)
Unit D1
Brickmakers Ind. Est.
Castle Road
Sittingbourne
Kent ME10 3RL
United Kingdom

c. Country of origin of equipment or material.

Depleted uranium aircraft counterweights were formerly manufactured in the United States (by National Lead Corp.) and in Canada (by El Dorado Nuclear). These parts were mounted on aircraft sold to various foreign flag carriers by U.S. aircraft manufacturers, including The Boeing Company (747), McDonnell Douglas Corporation (DC-10), and Lockheed Martin Corporation (L-1011).

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- d. Names and addresses of all intermediate and ultimate consignees, other than intermediate consignees performing shipping services only.

For inspection, segregation, consolidation, and reshipment:

Manufacturing Sciences Corporation
"For Philotechnics, Ltd."
804 So. Illinois Avenue
Oak Ridge, TN 37830

(For accession of shielding components and useable depleted uranium metal to production inventory:)

Manufacturing Sciences Corporation
804 So. Illinois Avenue
Oak Ridge, TN 37830

For disposal:

Waste Control Specialists, L.L.C.
9998 W. Highway 176
Andrews County, TX 79714

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- e. Dates of proposed first and last shipments.

Initial shipment: 15 August 2000
Final shipment: 15 December 2002

- f. Description of the equipment or material including, as appropriate, the following:

- (1) Maximum quantity of material in grams or kilograms and its chemical and physical form: 50,000 kg., depleted uranium metal, aircraft counterweights.
- (2) Max. weight % of enrichment and max. weight of contained U-235: Not applicable.
- (3) Total dollar value of nuclear equipment: Not applicable.
- (4) Name of facility and design power level for nuclear reactors: Not applicable.
- (5) For imports of radioactive waste:
 - (a) Volume: 1,375 cu. ft. total packaged volume (est.).
 - (b) Classification: Depleted uranium is a Class A waste according to the criteria of Section 61.55.
 - (c) Physical and chemical characteristics. The depleted uranium counterweights are plated, primed, and painted to retard corrosion. There are over 150 different part numbers for these items, which

range in weight from shim pieces of less than one pound to counterweights weighing over 80 pounds.

(d) Route of transit of shipment:

By motor carrier from various aviation facilities in the United Kingdom to ACB, Ltd. in Kent for consolidation and loading.

By motor carrier from ACB, Ltd. in Kent to port of Liverpool, UK

By container vessel from Liverpool, UK to Baltimore, MD or Portsmouth, VA

By motor carrier from the port of Baltimore or Portsmouth to Oak Ridge, TN for receiving, inspection, sorting, segregation, consolidation, and reloading.

By motor carrier from Oak Ridge, TN to Waste Control Specialists L.L.C. facility in Andrews County, TX for disposal.

(e) Ultimate disposition: Land burial of depleted uranium aircraft counterweights at Waste Control Specialists, L.L.C. facility in Andrews County, TX.

[Note: Depleted uranium shielding components and useable metal transferred to manufacturer's production inventory are being imported under the general license provisions for imports of source material as authorized by 10 CFR Part 110.27(a)(2).]

(6) (a) Industrial or other process responsible for generation of the waste: Removal of counterweights from aircraft or elimination from spares and surplus parts inventories.

(b) Status of arrangements for disposition: Depleted uranium aircraft counterweights are exempted from domestic licensing requirements as "unimportant quantities of source material" by Part 40.13(c)(5), and the NRC General Counsel has determined that Part 20 disposal and manifesting requirements are not applicable to "unimportant quantities of source material (see attached opinion). We are enclosing a letter from the waste disposal site operator, Waste Control Specialists, L.L.C., which confirms the acceptability of exempt depleted uranium aircraft counterweights and indicates the approval of the state licensing authority, the Texas Department of Health. Since the counterweights will be disposed of in a facility that is not a radioactive waste repository subject to the authority of the Texas Low-Level Radioactive Waste Disposal Compact, no compact approval is applicable. Because the

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counterweights will be disposed of in a facility that is not a radioactive waste disposal site and is not subject to the jurisdiction of the Texas Natural Resources Conservation Commission and because they are not regulated domestically as a low-level radioactive waste, specific approval by the state agency responsible for licensing the Waste Control Specialists' site, the Texas Department of Health, is not required.

(7) (a) Description of end use by all consignees:

Manufacturing Sciences Corporation. Will receive shipments for Philotechnics, Ltd. at their licensed facility in Oak Ridge and will inspect, segregate, consolidate, and repackage depleted uranium counterweights as directed by Philotechnics. (Manufacturing Sciences Corporation will accept transfer from Philotechnics of depleted uranium shielding elements and other useable depleted uranium metal into its production inventory.)

Philotechnics, Ltd. will provide directions for the unloading, inspection, segregation, consolidation and repackaging of incoming depleted uranium articles and will transfer shielding components and other usable depleted uranium metal to Manufacturing Sciences Corporation for inclusion in its production inventory. Philotechnics will ship depleted uranium aircraft counterweights to Waste Control Specialists, L.L.C. for disposal.

Waste Control Specialists, L.L.C. will accept aircraft counterweights at their Andrews County, TX waste repository for disposal.

(b) Justification of depleted uranium shipments.

- (1) The proposed import is not inimical to the common defense and security because it solely involves depleted uranium, has no proliferation impacts and poses no defense or security considerations.
- (2) The proposed import does not constitute an unreasonable risk to public health and safety. The overall impact of the proposed import will be to enhance public health and safety both in the United Kingdom and in the United States. In the United Kingdom, counterweights are accumulating in a multitude of dispersed locations, where they pose a growing risk of loss of control, personnel exposure, and contamination of unlicensed facilities and of the environment. These growing problems will be eliminated by the controlled disposal of these items in the

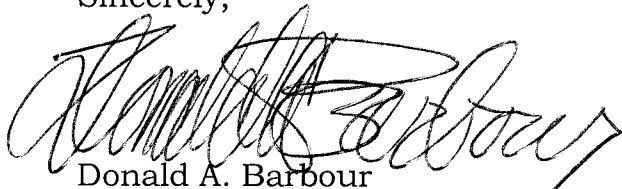
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approved facility of Waste Control Specialists in the United States.

- (3) The transfer of counterweights covered by this license application represents only a portion of the overall stream of depleted uranium aircraft counterweights entering the United States each year with any import control. The majority of these counterweights arrive installed on aircraft transferred to U.S. companies for tear-down, part-out or salvage. When removed by the (unlicensed) new owners, these parts are currently exempt from most controls. The NRC is currently engaged in a rulemaking (PRM 40-28) to better define user responsibilities. To the extent that these counterweights are imported specifically for disposal at an approved facility, their potential for involvement in uncontrolled transfers, personnel exposures and environmental contamination will be eliminated. Such disposition will contribute positively to public health and safety here.
- (4) Applicable requirements of subpart A of Part 51 are satisfied. The requested license qualifies for a categorical exclusion and does not require environmental review under the provisions of 51.22(c)(15).
- (5) An appropriate facility, Waste Control Specialists, L.L.C., has agreed to accept the depleted uranium aircraft counterweights for disposal (see attached letter).

Your cooperation in reviewing and processing this license application is appreciated.

Sincerely,


Donald A. Barbour
Manager, Aviation Programs

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Enclosures a/s

DEC-23-1998 15:16



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
December 23, 1998

OFFICE OF THE
GENERAL COUNSEL

Joseph R. Egan, Esq.
Egan & Associates, P.C.
2300 N Street, N.W.
Washington, D.C. 20037

Dear Mr. Egan:

The Commission has completed its review of your proposal to ship waste from the METCOA site in Pulaaki, Pennsylvania, to facilities operated by Waste Control Specialists (WCS) in Andrews County, Texas. In regard to this specific case, the Commission has concluded that, to the extent that the material meets the criteria in 10 CFR Part 40.13(a), no specific Nuclear Regulatory Commission approval is required for the transfer of this for disposal at the WCS hazardous waste facility. Since the material is not subject to NRC's disposal requirements under 10 CFR Part 20, the material need not be manifested pursuant to 10 CFR Part 20.2006.

We note, however, that other requirements, such as those imposed by the Texas Natural Resource Conservation Commission and the Texas Department of Health, may apply to the transfer and disposal of this material. As such, we suggest that you contact the Texas officials on this matter. If you have any questions, please contact me at (301) 415-1644.

Sincerely,

A handwritten signature in dark ink, appearing to read "Francis X. Cameron", is written over the typed name.

Francis X. Cameron
Deputy Assistant General Counsel &
Special Counsel for Public Liaison &
Agreement State Programs

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WCS**WASTE CONTROL SPECIALISTS LLC**

1710 W. Broadway • Andrews, Texas 79714 • (915) 523-4444 • Fax (915) 523-6411

June 28, 2000

Don Barbour
Philotechnics
137 Union Valley Rd.
Oak Ridge, TN 37830

Dear Mr. Barbour:

This letter will verify that Waste Control Specialists (WCS) can accept aircraft counterweights containing depleted uranium for disposal at our Andrews facility. The Texas Health Department (TDH) regulates possession and use of radioactive material and treatment and storage of radioactive waste, while the Texas Natural Resources Conservation Commission (TNRCC) regulates disposal of radioactive waste. In a memorandum of understanding (MOU) between the two agencies, if the Health Department has exempted a radioactive material from licensing requirements under its regulations, then the waste can be disposed of without regard to its radioactive properties under TNRCC authority under our RCRA permit. Aircraft counterweights containing depleted uranium are exempted from licensing in Texas in accordance with 25 TAC 289.251(C)(3)(E). You may confirm this determination by contacting Ruth McBurney, Director of the Division of Licensing, Registration, and Standards at the Texas Bureau of Radiation Control (512-834-6688)

If you require additional assistance or have any additional questions you may contact me at 717-540-5220.

Sincerely

William P Domsife
William P. Domsife
Vice President- Nuclear Affairs

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