Questions or Comments:
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Waste Control Specialists LLC License Application for Low-Level Radioactive Waste Disposal

Links to forms, guidance documents, and correspondence between the TCEQ and Waste Control Specialists LLC (WCS) concerning WCS's license application to authorize near-surface land disposal of low-level radioactive waste in Andrews County.

On August 4, 2004, Waste Control Specialists, LLC Exit... (WCS) submitted to the TCEQ an application for a license (read the current WCS application Exit...) to authorize near-surface land disposal of low-level radioactive waste (LLRW). This license application seeks authorization to construct and operate in Andrews County a facility that will receive both compact states' Exit... waste and federal waste for disposal.

- Current Status of This Application
- Back-up Materials for Consideration of Hearing Requests
- Licensing Rules
- Application Review Timeline
- Related Documents

Current Status: Executive Director Signs and Issues License

On September 10, 2009, the TCEQ executive director signed and issued Radioactive Material License R04100 for Waste Control Specialists, LLC. Construction may not begin until several preconstruction license conditions are completed and approved by the executive director. Once approved construction is complete, additional conditions of the license (PDF) must be met prior to commencement of disposal.

Licensing Rules

Under House Bill 1567, 78th Texas Legislature, Regular Session, Exit... a 30-day window was established — from July 8 through August 6, 2004 — for parties that intended to build low-level radioactive waste disposal facilities in Texas to submit an application to the TCEQ. Waste Control Specialists LLC Exit... submitted an application (read the current WCS application Exit...) under this legislation.

To review this application, our staff follows the rules found in these chapters of Title 30, Texas Administrative Code (30 TAC):

- Chapter 336, Radioactive Substance Rule Exit...
- Chapter 281, Application Processing Exit...
- Chapter 39, Public Notice Exit...

Among other factors, a successful application must demonstrate with reasonable assurance that the facility and its operators will comply with these sections of 30 TAC:

- 336.709, Technical and Environmental Analyses Exit...
- 336.723, Performance Objectives Exit...
- 336.724, Protection of the General Population from Releases of Radioactivity Exit...
- 336.725, Protection of Individuals from Inadvertent Intrusion Exit...
- 336.726, Protection of Individuals during Operations Exit...
- 336.727, Stability of the Disposal Site after Closure Exit...

Application Review Timeline

Date	Event
July 8, 2004	30-day period begins in which HB1567, 78th Texas Legislature, Regular Session, Exit... allows parties to file applications for licenses to build and operate near-surface LLRW disposal facilities in Texas
Aug. 4, 2004	Waste Control Specialists LLC, Exit... (WCS) files license application with TCEQ for a planned facility in Andrews County (read the current WCS application Exit...)
Aug. 6, 2004	30-day application window ends
Sept. 17, 2004	TCEQ issues First Notice of Administrative Deficiency to WCS
Oct. 18, 2004	WCS submits its response to first notice of administrative deficiency
Nov. 17, 2004	TCEQ finds that application remains incomplete and issues Second Notice of Administrative Deficiency to WCS
Dec. 17, 2004	WCS submits its response to second notice of administrative deficiency
Jan. 14, 2005	TCEQ finds that application remains incomplete and issues Third Notice of Administrative Deficiency to WCS
Jan. 31, 2005	WCS submits its response to third notice of administrative deficiency
Feb. 18, 2005	TCEQ finds WCS license application to be administratively complete and issues Notice of Declaration of Administrative Completeness, which describes subsequent public notice and evaluation phases for the application
Mar. 31, 2005	TCEQ holds public meeting at Andrews High School to receive comments on this application
May 2, 2005	TCEQ publishes Evaluation of Merit Report evaluating application's merit and responding to public comments
July 20, 2005	TCEQ issues a courtesy letter to WCS providing an early notification of issues that are of fundamental importance to the consideration of the WCS application.
September 16, 2005	TCEQ issues the First Technical Notice of Deficiency which provides comments and requests additional actions to resolve the noted deficiencies in the WCS application. Under separate cover, labeled "CONFIDENTIAL," the TCEQ submitting two additional attachments which request information to resolve deficiencies regarding financial information that WCS designated as "CONFIDENTIAL."
September 20, 2005	TCEQ issues a Revision to Attachment 3 of the First Technical Notice of Deficiency. The revision adds comments that were inadvertently omitted by an editing error.
November 30, 2005	WCS responds to the First Technical Notice of Deficiency (TNOD). Changes to the WCS License Application were enclosed as Revision 9. Responses to the first TNOD's confidential financial information, dated September 16, 2005, were provided under separate cover directly to the TCEQ Financial Administration Division.
January 30, 2006	TCEQ issues the Second Technical Notice of Deficiency which provides comments and requests additional actions to resolve the noted deficiencies in the WCS application. Under separate cover, labeled "CONFIDENTIAL," the TCEQ issues two additional attachments which request information to resolve deficiencies regarding financial information that WCS designated as "CONFIDENTIAL."
March 31, 2006	WCS responds to the Second Technical Notice of Deficiency (TNOD). Changes to the WCS License Application were enclosed as Revision 11. Responses to the second TNOD's confidential financial information, dated March 31, 2006, were provided under separate cover directly to the TCEQ Financial Administration Division. The Radioactive Material Licensing Team continued its technical review of the WCS application. This review was scheduled to be completed by August 31, 2006.
June 5, 2006	TCEQ advises WCS that many significant deficiencies in its application remain unresolved.
June 30, 2006	TCEQ issued a List of Concerns to WCS regarding unresolved license application issues. This information is needed before the application can be considered complete. WCS is now determining whether to apply for an extension of time and, if an extension is requested, what time would be needed to prepare and submit the additional information.
August 8, 2006	In a letter sent August 8, 2006, WCS requested an extension to the licensing process until May 31, 2007, in order to fully respond to the outstanding issues from the

	Second Technical Notice of Deficiency.
August 30, 2006	TCEQ grants the extension request.
May 1 , 2007	TCEQ officially accepts responses andrevision to the application. Changes to the WCS License Application were enclosed as Revision 12c.
December 10, 2007	The TCEQ submitted a Cover Letter, Initial Draft License and a Draft Licensing Order to WCS for review and comment.
January 9, 2008	WCS submits comments on Initial Draft License and Draft Licensing Order.
August 11, 2008	The Executive Director files documents with the Office of the Chief Clerk.
August 13, 2008	TCEQ Office of Chief Clerk mailed the Notice of Technical Summary and Executive Director's Preliminary Decision, Final Draft Licensing Order, Final Draft License and the Draft Environmental Analysis to Waste Control Specialists LLC and adjacent land and mineral rights owners for notice of preliminary decision. Upon WCS publishing the official TCEQ notice, the public will have 30 days to provide comment and request a hearing.
September 8, 2008	Public meeting in Andrews Texas on the application and preliminary decision.
September 16, 2008	End of public comment period.
November 19, 2008	TCEQ Commissioners to consider mineral rights condemnation proceedings.
November 21, 2008	The TCEQ Commission issues an order for the Executive Director to transmit a request to the Attorney General of the State of Texas to begin condemnation proceeding to acquire the mineral rights underlying land on which the low-level radioactive waste disposal facility site is proposed to be located.
December 2 , 2008	The Executive Director of the TCEQ files response to comments and proposed revised draft license with the Office of the Chief Clerk.
January 14 , 2009	On January 14, 2009 the TCEQ Commissioners approved an order granting the application of Waste Control Specialists, LLC for Radioactive Material License No. R04100. The license will be issued after condemnation proceedings are completed and the applicant has acquired the mineral rights on the underlying land at which the site will be located.
January 28, 2009	The Office of the Chief Clerk mails the Motion for Rehearing to persons on mailing list, with copies of signed licensing order and unsigned draft license.
May 5, 2009	Petitions filed for remaining mineral rights.
September 9, 2009	District court judge signed order granting condemnation.
September 10, 2009	Final license signed and issued by executive director.

Related Documents

- **TCEQ Application Forms:**
  - *Application for License to Authorize Near-Surface Land Disposal of Low-Level Radioactive Waste:*
    - in PDF
    - in Word
    - in WordPerfect
  - Form TCEQ-10052, *Application for License to Possess Disposed Radioactive Material and Decommission the Inactive Site:*
    - in PDF
    - in Word
- Waste Control Specialists, LLC License Application for Low-Level Radioactive Waste Disposal Exit...
- **TCEQ Guidance for Completing LLRW License Application.** In question-and-answer format, this guidance addresses the administratively required elements of the application.
- ***Performance Assessment: A Method to Quantitatively Demonstrate Compliance with Performance Objectives for LLRW Facilities* (Draft).** TCEQ draft document describing methods that can be used to determine whether an LLRW disposal facility will comply with statutory requirements to protect against potential impacts to the general public and the environment:
  - *draft* in PDF
- **Merit Report and Related Attachments:**
  - Evaluation of Merit Cover Letter
  - Att. A - TCEQ Evaluation Table
  - Att. B - Response to Public Comments
  - Att. C - Transcript of Proceedings, Public Meeting 3/31/05
  - Att. D - Written Comments
- **Courtesy Letter to WCS (in PDF)**
- **First Technical Notice of Deficiency:**
  - First Technical Notice of Deficiency, including revision to Attachment 3, in PDF
  - Attachment 3 Revision Letter in PDF
- **WCS Response to First Technical Notice of Deficiency:**
  - Attachment 1 (General Information)
  - Attachment 2 (Site Characteristics)
  - Attachment 3 (Design)
  - Attachment 4 (Construction)
  - Attachment 5 (Operation)
  - Attachment 6 (Closure)
  - Attachment 7 (Post-Closure and Institutional Care)
  - Attachment 8 (Performance Assessment)
  - Attachment 9 (Quality Assurance and Quality Control)
  - Attachment 10 (Personnel)
  - Attachment 11 (Environmental Report and Alternative Management Techniques)
  - Attachment 12 (Financial Qualifications and Financial Assurance)
- **TCEQ Second Technical Notice of Deficiency (in PDF)**
- **WCS Response to Second Technical Notice of Deficiency:**
  - Attachment 1 (General Information)
  - Attachment 2 (Site Characteristics)
  - Attachment 3 (Design)
  - Attachment 4 (Construction)
  - Attachment 5 (Operation)
  - Attachment 6 (Closure)
  - Attachment 7 (Post-Closure and Institutional Care)
  - Attachment 8 (Performance Assessment)
  - Attachment 9 (Quality Assurance and Quality Control)
  - Attachment 10 (Personnel)
  - Attachment 11 (Environmental Report and Alternative Management Techniques)
  - Attachment 12 (Financial Qualifications and Financial Assurance)
- **TCEQ Response to Application Revisions 11 & 12 (in PDF)**
- **TCEQ Issues List of Concerns Regarding Unresolved License Application Issues:**
  - Attachment 1 (Cover Letter and General Information)
  - Attachment 2 (Site Characteristics)
  - Attachment 3 (Design)
  - Attachment 4 (Construction)
  - Attachment 5 (Operation)
  - Attachment 6 (Closure)
  - Attachment 7 (Post-Closure and Institutional Care)
  - Attachment 8 (Performance Assessment)
  - Attachment 9 (Quality Assurance and Quality Control)
  - Attachment 10 (Personnel)
  - Attachment 11 (Financial Qualifications and Financial Assurance)
- **WCS Letter Requesting Additional Time to Respond to Second Technical Notice of Deficiency (in PDF)**

- **TCEQ Letter Granting Extension Request (in PDF)**
- **WCS Response to List of Concerns (in PDF):**
  - Attachment 1 (General Information)
  - Attachment 2 (Site Characteristics)
  - Attachment 3 (Design)
  - Attachment 4 (Construction)
  - Attachment 5 (Operation)
  - Attachment 6 (Closure)
  - Attachment 7 (Post-Closure and Institutional Care)
  - Attachment 8 (Performance Assessment)
  - Attachment 9 (Quality Assurance and Quality Control)
  - Attachment 10 (Personnel)
  - (No response was required concerning Attachment 11)
  - Attachment 12 (Financial Qualifications and Financial Assurance)
- **WCS Initial Draft License (in PDF)**
  - Cover Letter
  - Initial Draft License
- **Licensing Order (in PDF)**
- **WCS comments on Draft License and Environmental Analysis (in PDF)**
- **WCS Proposed Draft License (in PDF)**
  - Notice of Technical Summary and Executive Director's Preliminary Decision
  - Executive Summary of Environmental Analysis
  - Licensing Order & Proposed Draft License
  - Draft Environmental Analysis
  - Table of Contents to EA Appendices
- **Letter concerning Mineral Rights Condemnation Proceedings on Nov. 19 Agenda (in PDF)**
- **Commission Order to Request Mineral Rights Condemnation (in PDF)**
- **Executive Director Response to Comments (in PDF)**
- **Final Draft License (in PDF)**
- **Back-up Materials for Consideration of Hearing Requests (in PDF)**
- **Letter Extending Time to File a Response to the WCS Hearing Requests (in PDF)**
- **Signed Licensing Order for Application (in PDF)**
- **Final Issued Licenses (in PDF)**
- **Transmittal Letter for Final License (in PDF)**

Contact us if you have any questions.

Related content

- Waste Control Specialists LLC License Application for By-Product Material Disposal

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