



# Texas Department of State Health Services Radiation Safety Licensing Branch

## *Regulatory Guide 2.19*

Issuance Date: December 1, 2011 (Amended October 7, 2013)

### **Guide for Submission of Documents and Fees by Low Level Radioactive Waste Shippers and Transporters**

#### **I. INTRODUCTION**

##### **A. Approval Process**

Emergency plans, quality assurance programs for packaging and proof of financial responsibility required for shipping or transporting Low-Level Radioactive Waste (LLRW) to the Texas low level radioactive waste disposal facility shall be approved by the Texas Department of State Health Services (DSHS), Radiation Safety Licensing Branch prior to shipment of LLRW. The branch issues an approval letter once the submission has been accepted. Additionally DSHS collects a fee from all shippers based on the volume of waste shipped. This fee is to be deposited in the Radiation and Perpetual Care Account to be used to cover costs associated with emergency planning and responding to accidents involving low-level radioactive waste. This guide describes the process for submission of documentation by radioactive waste shippers and transporters for DSHS approval, as well as the fee payment process.

##### **B. DSHS Contacts**

The DSHS radiation control program maintains an Internet site. The site contains the rules referenced in this regulatory guide, as well as information on who to contact at DSHS with questions, information on the activities and structure of the department, topics of interest about radiation, and links to other radiation-related web sites.

The DSHS Internet site is located at: <http://www.dshs.state.tx.us/radiation>

If you do not have access to the world-wide web and need additional information, please call (512) 834-6688 and ask for the following:

Industrial Licensing Program - for questions regarding the approval of waste shipping and transportation documentation and any related correspondence.

Regulatory Guides are issued to assist applicants and licensees/registrants in developing operational procedures acceptable to the Department of State Health Services, Radiation Safety Licensing Branch (department), that are compliant with specific sections of Title 25 Texas Administrative Code Chapter 289. Regulatory Guides are NOT substitutes for regulations and compliance with them is not required. Methods for compliance with regulations different from those set out in guides will be acceptable if they are considered by department staff to provide for public health and safety and demonstrate compliance with regulations.

Comments and suggestions for improvements in Regulatory Guides are encouraged. Letters containing comments and suggestions should be sent to the Department of State Health Services, Attn: Manager, Radioactive Material Licensing – MC 2835, P.O. Box 149347, Austin, Texas 78714-9347. Regulatory guides may be reproduced or may be obtained by contacting the department at (512) 834-6688 or accessing our web page at [www.dshs.state.tx.us/radiation](http://www.dshs.state.tx.us/radiation)

## **II. APPLICABLE LAW AND REGULATIONS**

- A.** Texas Health and Safety Code Chapter 401, §401.052 “Rules for Transportation and Routing”
- B.** Title 25, Texas Administrative Code (TAC), Chapter 289, §289.257 “Packaging and Transportation of Radioactive Material”

## **III. SUBMISSION OF DOCUMENTS FROM SHIPPERS**

### **A. GENERAL**

A shipper is the licensed entity (i.e. the waste generator, waste collector, or waste processor) who offers low level radioactive waste for transportation to the Texas LLRW disposal facility. A shipper must submit their emergency plan, quality assurance program for packaging, and business information form with a cover letter signed by a person authorized to sign on the shipper's behalf. The shipper is responsible for ensuring that the transporter's emergency plan and proof of financial responsibility have been approved by DSHS prior to shipment. A shipper who acts as their own transporter must also provide their emergency plan as provided to transporters and proof of financial responsibility as outlined in Section IV.

The letter should be mailed to the following address:

Texas Department of State Health Services  
Radioactive Material Licensing – MC 2835  
P.O. Box 149347  
Austin, Texas 78714-9347

The shipper need only submit the following information once initially, at least 14 days prior to making their first shipment, and thereafter any time there is a change in business name, contact person, emergency procedures or quality assurance procedures. Shippers must also pay a fee as described in Section V below for each waste shipment.

### **B. CONTENTS OF THE SUBMISSION**

#### **Item 1 – LEGAL BUSINESS NAME AND MAILING ADDRESS OF SHIPPER**

List the name, mailing address, and telephone number of the individual or company who is acting as the shipper. Specify a contact person with their direct phone line or extension. If available, please include an e-mail address and fax number. Also complete and submit RC Form 252-1, “Business Information Form,” available from the department's website. Note that financial assurance is not required.

A shipper who does business in the State of Texas must be registered with the Texas Secretary of State's Corporations Section. If an assumed name is to be included, it will be identified as the name the applicant is Doing Business As (DBA) and must also be registered. For example, “ABC Corporation DBA ABC Enterprises of Texas.” Business registration should be verified by contacting the Texas Secretary of State's Corporations Section at (512) 475-2755 or on the Internet at <http://www.sos.state.tx.us/corp/sosda/index.shtml>.

If the shipper is an individual, the individual should be acting in a private capacity, and the disposal of the radioactive material should not be connected with the individual's employment with a corporation or other legal entity.

### **III. SUBMISSION OF DOCUMENTS FROM SHIPPERS**

#### **B. CONTENTS OF THE SUBMISSION**

##### **Item 2 – SHIPPER’S EMERGENCY PLAN**

The shipper shall submit an emergency plan for DSHS approval per 25 TAC §289.257(r). The plan should include the following information:

1. **Basic Shipment Information:** Provide a basic description of a typical shipment including the type(s) of vehicle, the type(s) of shipping container, isotopes, specific activity, total activity, material form (gas, powder, solid, special form) and any non-radioactive materials mixed with the waste. An example waste manifest may be used to fulfill this requirement.
2. **Types of Accidents:** Identify the types of accidents that may occur, classify the accidents by severity and estimate the potential for release of material for each type of accident.
3. **Notifications:** Identify the emergency number used on the shipping documentation. Explain how you the shipper will be notified in the event of a radiological emergency. Include procedures for notifying local law enforcement and the Texas Department of State Health Services (DSHS). The DSHS 24-Hour emergency phone number is (512) 458-7460.
4. **Response:** Identify plans to respond to the site of the emergency, if any, by staff or contractors. If available, include those response procedures including scene evaluation, decontamination, repackaging or reclamation. Describe what processes or agreements the shipper has in place to mitigate accident consequences, including time frames for incident team response.

##### **Item 3 – QUALITY ASSURANCE PROCEDURES FOR PACKAGING**

Before the use of any package for the shipment of low level radioactive waste, each shipper shall submit documentation on the type of package used. For US Department of Transportation (DOT) and/or US Nuclear Regulatory Commission (NRC) approved containers, the shipper shall submit the name of the package manufacturer, the model number, and the certificate of compliance or other pertinent certifying documentation.

If the shipper is producing their own packaging they must submit their quality assurance program for Agency review per 25 TAC §289.257(s)(3). The quality assurance program must be approved by the Agency prior to shipment. The submittal shall include the following:

1. **Authority and Duties:** Clearly establish and delineate, in writing, the authority and duties of persons and organizations performing activities affecting the functions of structures, systems, and components that are important to safety.
2. **Quality Assurance Functions:** Assure that an appropriate quality assurance program is established and effectively executed, and verifying, by procedures such as checking, auditing, and inspection, that activities affecting the functions that are important to safety have been correctly performed.
3. **Authority and Freedom of Quality Assurance personnel:** Assure that persons performing quality assurance have the authority and freedom to identify quality problems; initiate, recommend, or provide solutions; and verify implementation of solutions.
4. **Material Covered:** Identify the material and components to be covered by the quality assurance program, the major organizations participating in the program, and the designated functions of these organizations.

### **III. SUBMISSION OF DOCUMENTS FROM SHIPPERS**

#### **B. CONTENTS OF THE SUBMISSION**

##### **Item 3 – QUALITY ASSURANCE PROCEDURES FOR PACKAGING**

5. Process Control: The quality assurance program shall provide control over the following:
  - A. activities affecting the quality of the identified materials and components to an extent consistent with their importance to safety, and as necessary to assure conformance to the approved design of each individual package used for the shipment of radioactive material;
  - B. assure that activities affecting quality are accomplished under suitable controlled conditions which include:
    - (i) the use of appropriate equipment;
    - (ii) suitable environmental conditions for accomplishing the activity, such as adequate cleanliness; and
    - (iii) all prerequisites for the given activity have been satisfied; and
  - (C) take into account the need for special controls, processes, test equipment, tools, and skills to attain the required quality, and the need for verification of quality by inspection and test.
6. Quality Assurance Procedures: The requirements and procedures of the quality assurance program shall be based on the following considerations concerning the complexity and proposed use of the package and its components:
  - A. the impact of malfunction or failure of the item to safety;
  - B. the design and fabrication complexity or uniqueness of the item;
  - C. the need for special controls and surveillance over processes and equipment;
  - D. the degree to which functional compliance can be demonstrated by inspection or test; and
  - E. the quality history and degree of standardization of the item.
7. Training: Outline the training program for persons who perform duties affecting quality.
8. Periodic Review: Establish a time interval for routine review of the quality assurance program. Identify who will participate in the review and what will be reviewed.

### **IV. SUBMISSION OF DOCUMENTS FROM TRANSPORTERS**

#### **A. GENERAL**

A transporter is the carrier who has been engaged by a shipper to transport low level radioactive waste to the Texas LLRW disposal facility. A transporter must submit their emergency plan, proof of financial responsibility, and business information form with a cover letter signed by a person authorized to sign on the transporter's behalf. The transporter is responsible for ensuring that the shipper's emergency plan and packaging and/or quality assurance program for packaging have been approved by DSHS prior to shipment

The letter should be mailed to the following address:

Texas Department of State Health Services  
Radioactive Material Licensing – MC 2835  
P.O. Box 149347  
Austin, Texas 78714-9347

## **IV. SUBMISSION OF DOCUMENTS FROM TRANSPORTERS**

### **A. GENERAL**

The transporter need only submit the following information once initially, at least 14 days prior to carrying their first shipment, and thereafter any time there is a change in business name, contact person, emergency procedures or proof of financial responsibility.

### **B. CONTENTS OF THE SUBMISSION**

#### **Item 1 – LEGAL BUSINESS NAME AND MAILING ADDRESS OF TRANSPORTER**

List the name, mailing address, and telephone number of the individual or company who is acting as the transporter. Specify a contact person with their direct phone line or extension. If available, please include an e-mail address and fax number. Also complete and submit RC Form 252-1, "Business Information Form," available from the department's website. Note that financial assurance is not required.

A transporter who does business in Texas must be registered with the Texas Secretary of State's Corporations Section. If an assumed name is to be included, it will be identified as the name the applicant is Doing Business As (DBA) and must also be registered. For example, "ABC Corporation DBA ABC Enterprises of Texas." Business registration should be verified by contacting the Texas Secretary of State's Corporations Section at (512) 475-2755 or on the Internet at <http://www.sos.state.tx.us/corp/sosda/index.shtml>.

If the transporter is an individual, the individual should be acting in a private capacity, and the transportation of the radioactive material should not be connected with the individual's employment with a corporation or other legal entity.

#### **Item 2 – TRANSPORTER'S EMERGENCY PLAN**

The transporter shall submit an emergency plan for DSHS approval per 25 TAC §289.257(r). The plan should include the following information:

1. **Initial Evaluation:** Describe the initial evaluation performed after an accident or other emergency to determine if there is a radiological problem such as excessive radiation exposure or release of radioactive material.
2. **Notifications:** The plan should state what emergency notifications need to be made in the event of a radiological emergency. Notifications shall include at a minimum, the emergency number on the shipping documentation, local law enforcement, the Texas Department of State Health Services and the shipper. The DSHS 24-Hour emergency phone number is (512) 458-7460.
3. **Priorities:** The plan should include guidance on prioritization of emergency response actions relative to the radiological hazard. Specifically rescue, life saving and first aid should have the highest priority. Fire response should also take precedence over radiological response.
4. **Isolation of Radiological Hazard:** Describe the steps to be taken to isolate the radiological hazard, the spill or leak area or suspected radiation area and keep unauthorized persons away. This should include recommended distances and the use of barrier rope or tape, or other equipment provided for the purposes of isolating the hazard.
5. **Instructions to Detain:** The emergency plan should include instructions to request that persons or equipment that are believed to be contaminated remain at the scene until emergency responders arrive.
6. **Delay Decontamination:** The transporters should be instructed to delay decontamination or clean-up until further instructions are received for DSHS.

## **IV. SUBMISSION OF DOCUMENTS FROM TRANSPORTERS**

### **B. CONTENTS OF THE SUBMISSION**

#### **Item 2 – TRANSPORTER’S EMERGENCY PLAN**

7. Other Hazards: The procedure should refer the transporter to the Emergency Response Guide or other emergency procures in the event that other hazards are present such as chemical leaks, fire explosion, or injuries.

#### **Item 3 – PROOF OF FINANCIAL RESPONSIBILITY**

Transporters of low-level radioactive waste to the Texas low-level radioactive waste disposal site shall submit proof of financial responsibility required by Title 49, CFR, §387.7 and §387.9, to the agency's Radiation Safety Licensing Branch and receive approval of this documentation from the agency prior to initial shipment. Proof of financial responsibility shall be submitted after each policy renewal, if the amount of liability coverage is reduced, or upon purchase of a new policy. The minimum amounts required are \$1,000,000 for non-highway route controlled quantities of radioactive material and \$5,000,000 for highway route controlled quantities of radioactive material.

#### **Item 4 – LIST OF SHIPPING ROUTES**

DSHS is required to provide training to first responders along shipping routes in Texas to the low-level radioactive waste disposal site. Transporters must provide a list of the routes they plan to take in Texas listing each of the highways taken from the point of origin of the shipment or the point of entry into Texas. This only applies to shipments where the low-level waste site is the final destination, not shipments of radioactive waste to other destinations. Please provide alternate routes where applicable with sufficient detail so that counties and cities can be identified.

## **V. Fees Paid by Shippers**

Five (5) Days prior to making a shipment to the Texas Low level radioactive waste disposal facility each shipper shall notify DSHS providing a copy of the waste manifest and the date of shipment. The notification letter and waste manifest should be mailed to the following address:

Texas Department of State Health Services  
Radioactive Material Licensing – MC 2835  
P.O. Box 149347  
Austin, Texas 78714-9347

You may also fax the notification letter and waste manifest to:

(512) 834-6690

The shipper shall be assessed a fee of \$10 per cubic foot shipped to the Texas LLRW disposal facility as per 25 TAC §289.257(dd). Payment instructions will be included with a fee bill provided by the Agency. Transporters do not have to pay a fee.

Fee assessments will be suspended when the amount of fees collected reaches \$500,000, except that if the balance of fees collected is reduced to \$350,000 or less, the assessments shall be reinstated to bring the balance of fees collected to \$500,000. These fees are to be used for emergency planning and responding to emergencies involving LLRW shipments.