



ENVIRONMENTAL MANAGEMENT AND CONTROLS, INC.

3106 SOUTH FAITH HOME ROAD  
TURLOCK, CALIFORNIA 95380  
E-MAIL:emctga@aol.com

PHONE (800) 552-6121  
PHONE (209) 667-1102  
FAX (209) 667-1583

October 24, 2012

Amendment to Import Agreement 2-0010-0

Ms. Leigh Ing  
TWCLLRW Commission  
3616 Far West Blvd, Suite 117, #294  
Austin, TX 78731

Dear Ms. Ing:

This amendment is to increase the I129 nCi amount I requested at 100 nCi to increase to 112 nCi.

When we were asked to "guess" at what we thought might come in, then submit our application, I guessed only 100 nCi, but in fact we received 112 nCi.

Sincerely,

Gaye Nelson  
Manager  
EMC/TGA

**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	Thomas Gray & Associates/Environmental Management & Controls
Contact Person	Gaye Nelson
Phone	209-667-1102
Email	gnelson@tgainc.com
Website address	www.tgainc.com
Business Address	3106 S Faith Home Road Turlock, CA 95380
Mailing Address	Same

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**Is Applicant:**

- Generator
- x A Broker who is a: x Licensed Waste Processor  
x 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: 1 year (7/1/12-7/1/13)

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 75 ft<sup>3</sup>

Waste Radioactivity in Curies 30 Curies

Place of origination (State) of waste: CA/IL/GA/AZ/KS/KY/MI/PA/MD

Waste description: Sealed Sources

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

Waste form:  stable  unstable

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

C-14      100 millicuries (mCi)

Tc-99      50 microcuries (uCi)

I-129      112 nanocuries (nCi)

Depleted Uranium \_\_\_\_\_ microcuries (uCi)

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

Source of generation

Research

\_\_\_\_\_

4. Is the proposed waste a sealed source?

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

Calibration sources, brachytherapy sources, eye applicators, check sources

\_\_\_\_\_

\_\_\_\_\_

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.

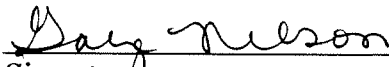
- a. The information provided herein is complete, accurate and correct.
- b. The low-level radioactive waste for which this Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.
- c. The 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:**

Gaye Nelson  
*Print or type name*

  
*Signature*

Manager/RSO  
*Title*

10/24/12  
*Date*

**ATTACHMENTS:**

**(Attachments should include all applicable licenses, authorizations, and other materials needed or useful to fully explain the application.)**

(2) Annex B.

Figure: 31 TAC §675.23(f)(2)

Annex B  
Texas Low Level Radioactive Waste Disposal  
Compact Commission

Agreement for Importation of Nonparty Low Level Radioactive Waste  
Into Texas Low Level Radioactive Waste Compact for Disposal

This Agreement for Importation of Nonparty Low Level Radioactive Waste ("Agreement") is dated \_\_\_\_\_, 20\_\_\_, by and between Thomas Gray & Associates/Environmental Management & Controls ("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, 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 and 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 Generators' 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 the 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 report(s) 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 non party 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 \_\_\_\_ through \_\_\_\_ 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 the Agreement for which prior written notice has been give the Generator and the Compact Facility Operator, revoke this Agreement, and 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 Compact Facility license.
- 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) Sealed Sources 75 ft<sup>3</sup>**

**Waste Radioactivity in Curies 30 Curies**

**Place of origination (State) of waste CA/IL/GA/AZ/KS/KY/MI/PA/MD**

**Waste description Sealed Sources**

**Waste Class Class B & Class C**

**Waste form Stable**

**C14: 100 mCi, Tc99: 50 uCi, I129: 112 nCi**

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Generator:

By: Gay Nelson  
Name

Manager  
Title

TEXAS LOW LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

By: \_\_\_\_\_  
Name

\_\_\_\_\_  
Title