



ENVIRONMENTAL MANAGEMENT AND CONTROLS, INC.

3106 SOUTH FAITH HOME ROAD
TURLOCK, CALIFORNIA 95380

PHONE (209) 667-1102
FAX (209) 667-1583

March 11, 2014

Ms. Leigh Ing
TLLRWDC Commission
333 Guadalupe St. #3-240
Austin, TX 78701

Via Email: administration@tllrwdcc.org

Dear Ms. Ing:

Please find enclosed an application to import Class A, B & C domestic sealed sources for disposal at Waste Control Specialists. The application does include any waste from the Rocky Mountain Compact and the Atlantic Compact. This application does not include any waste from the Northwest Compact. The request is for a conditionally approved importation for disposal which may require an export permit from the Southwest Compact, Atlantic and Rocky Mountain. Export permits, and generator authorization will be provided prior to shipping the waste for disposal in less than 3 submittals.

We ask that the application be considered and approved by the TLLRWDC at its next meeting in May 2014.

I am also sending this certified mail to the following organizations:

TCEQ

Bobby Janecka
12100 Park 35 Circle, Bldg F, Office #1306A
Austin, TX 78753

TLLRWDC

333 Guadalupe St. #3-240
Austin, TX 78701

WCS

Vickie Watson
Three Lincoln Center
5430 LBJ Freeway, Suite 170
Dallas, TX 75240

Sincerely,

Gay Nelson

Gaye Nelson
Manager
EMC/TGA
Cc: WCS & TCEQ

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

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: 1 year (4/30/14-4/30/15)

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 100 ft³

Waste Radioactivity in Curies 90 Ci

Place of origination (State) of waste:

CA/NY/VA/CT/NC/MD/NJ/NH/FL/PA/CO/
NV/NM/SD/IL/ND/AZ/IN/MN/OH/OK/LA/
KS/NE/AL/TN

Waste description: Domestic Sealed Sources for disposal

Waste classification (Class A, Class B, or Class C): A, 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-99 100 microcuries (uCi)

I-129 100,000.00 nanocuries (nCi)

Depleted Uranium 10,000 microcuries (uCi)

Concentration <10 nCi/gm (provide units)

Source of generation

Hospitals and medical institutions, pharmaceutical facilities, military installations, universities

4. Is the proposed waste a sealed source?

No. Yes. Please explain: _____

Calibration sources, bracytherapy 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: _____

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: _____

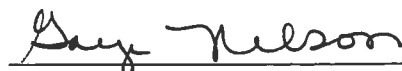
7. **Certifications.** Applicant hereby certifies the following.

- 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

3/11/14

Date

ATTACHMENTS:

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

Annex B. – Term sheet

Generator Certification Letter (ID #CAEMC1EMC)

Letter of Authority from Texas DSHS (Registration #W0007)

Individual letters of authorization to EMC will be provided upon confirmation of generator participation prior to shipment to WCS

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 tis 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 poly 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 100 ft³

Waste Radioactivity in Curies 90 Curie

Place of origination (State) of waste

CA/NY/VA/CT/NC/MD/NJ/NH/FL/PA/CO/NV/NM/SD/IL/ND/AZ/IN/MN/OH/OK/LA/KS/NE/AL/TN

Waste description Sealed Sources

Waste Class Class A, B & C

Waste form Stable

C14: 100 mCi, Tc99: 100 uCi, I129: 100,000 nCi, Dep U 10,000 uCi (<10 nCi/gm Dep U)

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Generator:

By: Gay Nelson
Name

manager
Title

TEXAS LOW LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

By: _____
Name

Title



Generator Certification Approval Letter

January 6, 2014

Ms. Gaye Nelson
Radiation Safety Officer
EMC - Thomas Gray & Associates
3106 S Faith Home Road
Turlock, CA 95380

RE: EMC-Thomas Gray and Associates Generator Certification Identification Number –CAEMC1EMC

Generator Certification Valid January 6, 2014 through January 31, 2015

Dear Ms. Gaye Nelson,

On January 6, 2014, Waste Control Specialists LLC completed a review of the submitted Generator Certification Packet and found EMC - Thomas Gray & Associates 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 EMC - Thomas Gray & Associates 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

January 7, 2014

THOMAS GRAY & ASSOCIATES
ENVIRONMENTAL MANAGEMENT & CONTROLS INC
ATTN GAYE NELSON
3106 S FAITH HOME RD
TURLOCK CA 95380

Expiration Date: **12/31/2014**
Registration No.: W0007
Authorized Use: Shipper & Transporter

Ms. Nelson:

Thomas Gray & Associates is hereby registered to Ship and 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: Manager, Radioactive Material Licensing Branch at (512) 834-6690 or a scanned copy emailed to the Program Coordinator, Industrial Licensing Program: ray.fleming@dshs.state.tx.us.
3. If at any time during the registration period the Emergency Plan, Proof of Financial Responsibility, Packaging Information (COC) is 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.

Thomas Gray & Associates

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January 7, 2014

4. After this registration has expired Thomas Gray & Associates 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.

Sincerely,



Shawn E. Garza, Reviewer
Industrial Licensing Program
Radiation Safety Licensing Branch

bcc: file, TCEQ, WCS