

Figure: 31 TAC §675.23(e)(1)

ANNEX A

TLLRWDC §675.23—IMPORTATION FORM

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION APPLICATION FOR IMPORTATION OF NON-PARTY LOW-LEVEL RADIOACTIVE WASTE (NOTE: PURSUANT TO TEXAS HEALTH AND SAFETY CODE, §401.207(j), THIS PETITION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE OR THE GENERATOR OF THE WASTE UNLESS THE GENERATOR IS A SMALL QUANTITY GENERATOR AS DEFINED IN 31 TAC §675.20(19), IN WHICH CASE THE PETITION MAY BE SUBMITTED BY AN APPROPRIATELY LICENSED BROKER) (Article III, Sec. 3.05(7) of the Compact)

I. Applicant Information:

Entity Name: Thomas Gray & Associates dba Environmental Management & Controls

Contact Person, Title: Steven May, ARSO

Phone: 714.997.8090

Email: smay@tgainc.com

Website: www.tgainc.com

Business Address: Environmental Management & Controls, Inc.

3106 S. Faith Home Road

Turlock, CA 95380

Mailing Address: Thomas Gray & Associates, Inc.

1205 W Barkley Ave

Orange, CA 92868

Is applicant:

- ☐ Generator
- ☒ Broker
 - ☒ Licensed Waste Processor
 - ☒ Licensed Waste Collector
- ☐ Department of Defense

II. Generator Specifications:

A. Generator type:

- ☒ Industrial
- ☒ Academic/Research
- ☒ Medical
- ☒ Utility
- ☒ Government

B. Is waste from a "small quantity generator"?

- ☒ Yes
- ☐ No

III. Agreement Period:

Import applications generally will be granted only in single fiscal-year increments. If you are seeking a term that would extend beyond the end of a current fiscal year, please explain the unusual circumstances that would justify a deviation from this general rule?

October 5, 2017 - August 31, 2018

IV. Waste proposed for importation:

Waste Volume (Cubic Feet): 2,000.00

Waste Radioactivity (Curies): 1,000.00

Waste Classification:

- ☒ Class A,
- ☒ Class B, and/or
- ☒ Class C

Waste Form

- ☒ Stable
- ☒ Unstable

Does the proposed waste consist solely of sealed sources?

- ☒ No.
- ☐ Yes.

Compact and/or unaffiliated state, territory, possession, or district of the United States where the waste was generated (please list):

Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky,
Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey,
New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee,
Virginia, West Virginia, and Wisconsin.

Waste Description: _____

Discrete items (including sealed sources) macro-encapsulated/stabilized in concrete, depleted uranium, LLRW.

V. Compliance

Does Applicant 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 and attach applicable documents.

Does Applicant have any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports associated with radioactive waste receipt, storage, handling, management, processing, or transportation 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 and attach applicable documents.

VI. Certifications

Applicant hereby certifies* the following:

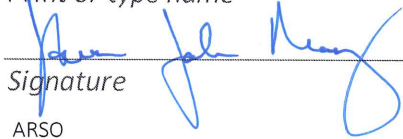
- ☒ The information provided herein is complete, accurate, and correct.
- ☒ The waste proposed for importation is not waste of international origin.
- ☒ The low-level radioactive waste for which this Import Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.
- ☒ The person submitting this Import Application is authorized by the Applicant to commit Applicant to each and every obligation and condition set forth herein and in the Agreement for Importation of Non-Party Compact Waste. A copy of a written document containing such authorization must be attached to this Import Application.
- ☒ Applicant has delivered to the specified disposal facility and TCEQ a copy of this Application for Importation of Compact Waste (along with any supplement or amendment thereto).

* If any box is left unchecked, the Commission will assume that requirement was not met.

VII. Authorized Signatory:

Steven May

Print or type name



Signature

ARSO

Title

8/24/17

Date

VIII. ATTACHMENTS:

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

1. Figure: 31 TAC §675.23(f)(2) - Annex B

ANNEX B

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

Agreement for Importation of Nonparty Compact Waste

This Agreement for Importation of Nonparty Compact Waste (hereinafter referred to as “Agreement”) is dated _____, 2017, by and between Thomas Gray & Associates, Inc. dba Environmental Management & Controls, Inc. (hereinafter collectively referred to as “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 in Andrews, TX 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; and

WHEREAS Chapter 403, §3.05(6) of the Texas Health and Safety Code authorized 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 the 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 poly and purpose of the

Compact; (c) the existence of the 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 §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 we, the Generator, represent, acknowledge, and propose the following:

- A. Generator proposes this Agreement shall remain in effect from 10/5/2017 through 8/31/2018 unless amended by agreement of the Parties, or revoked by the Commission prior to importation.
- B. Generator agrees to comply with all applicable federal and state laws and rules including, without limitation, Texas Health and Safety Code (THSC), Chapter 403, §8.03.
- C. Generator shall be liable for its own acts, omissions, conduct, and relationships in accordance with applicable law.
- D. Generator acknowledges that the Commission under any circumstances may amend or revoke the agreement with prior notice and that under emergency circumstances the Commission may suspend authorization to import with such notice as it is able to give under the circumstances.
- E. Generator agrees that this Agreement shall not be assignable or transferable to any other person.
- F. Generator acknowledges that this Agreement is subject to receipt by the Compact Facility Operator and the Commission of written certification from the Texas Commission on Environmental Quality (TCEQ) prior to the acceptance of Generator's Nonparty Compact Waste that the waste to be imported is authorized for disposal under the Compact Facility license.
- G. Generator describes the waste as follows:
 - a. Waste Volume (ft³): ≤ 2,000.00
 - b. Waste Type: Type A
 - c. Physical Form/Waste Class: Stable sealed sources (Class A, B, & C) macroencapsulated in concrete, depleted uranium (Class A), and unstable LLRW (Class A).
 - d. Total Radioactivity (Ci): ≤ 1,000.00
- H. Generator has disclosed in its Application:
 - 1. the existence of unresolved violations pending against the applicant with any other regulatory agency with jurisdiction to regulate radioactive material; and
 - 2. the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s), that the applicant has with the Commission; and

3. 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.
- I. Generator acknowledges that a misrepresentation with respect to an item listed in A, B, or C, may result in the cancellation of the agreement.
 - J. 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.
 - K. Generator acknowledges the right of the Commission to audit or cause to be audited compliance with the agreement.
 - L. Generator agrees to comply to the extent applicable with the rules related to commingling adopted by the TCEQ in coordination with the Commission pursuant to THSC, §401.207(k).
 - M. Generator affirms that no waste of international origin shall ever be included in the materials imported to the Compact Facility.
 - N. Generator agrees to comply with any other matter required by 31 TAC §675.23 to be included in the agreement.

GENERATOR:

STEVEN May
Name

John John May
Signature

AKSO
Title

8/24/17
Date