



Texas Commission on Environmental Quality

Radioactive Material License

Pursuant to the Texas Radiation Control Act, Texas Commission on Environmental Quality (TCEQ or commission) and Title 30 of the Texas Administrative Code (30 TAC), and in reliance on statements and representations heretofore made by the Licensee, a license is hereby issued authorizing the Licensee to receive, possess, and dispose radioactive material listed below. This license authorizes the Licensee to use such radioactive material for the purpose(s) and at the place(s) designated below. This license is subject to all applicable rules, regulations and orders of the TCEQ now or hereafter in effect and to any conditions specified below.

Licensee Customer Number	Licensee Name	Licensee Address	License Number	License Expiration Date	This license is issued in response to an application(s) dated	Amendment Number 14
CN600616890	1. Waste Control Specialists LLC ATTN: Jay Cartwright	2. P.O. Box 1129 Andrews, Texas 79714	3. Ro5807	3.A September 15, 2030	4. May 23, 2018: Signed by Jay B. Cartwright, RSO	4.A: Issued on September 15, 2020

Radioactive Material Authorized

5. Radioisotope	6. Form of Material	7. Maximum Volume and Total Radioactivity	8. Authorized Use
A. By-product material, as defined in Title 30 of the Texas Administrative Code (30 TAC) Section (§) 336.1105.	A. Containerized by-product material consisting solely of material formerly stored in Silos 1 and 2 of the Fernald Waste Management Plant.	A. Not to exceed a volume of 30,000 cubic yards and a total radioactivity of 13,400 Curies in 3,776 containers.	<p>A. Receipt of only Fernald containerized by-product material, formerly stored in Silos 1 and 2 of the Fernald Waste Management Plant, for disposal by shallow land burial by Waste Control Specialists LLC under this license.</p> <p>No other material shall be accepted under this license.</p> <p>The receipt and/or disposal of low-level radioactive waste, mixed low-level radioactive waste, naturally-occurring radioactive material, hazardous waste, industrial solid waste, municipal solid waste, liquid waste, explosive or pyrophoric materials are specifically prohibited.</p>

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9. This license authorizes

A. Radioactive material shall only be received and disposed only at:

Regulated Entity Number	Location
RN101702439	Approximately one and a half mile north of State Highway 176 at 9044 NW9999 on State Line Road, 250 feet east of the Texas and New Mexico State Line (30 miles west of Andrews, Texas) in Andrews County, Texas

B. The boundaries of the Licensee's by-product material disposal facility (BMDf), comprising 35.64 acres, shall be as described in Appendix 1D, Attachment 2 of the renewal application from WCS dated May 23, 2018, entitled "BP Renewal Legal Descriptions and Surveys of Disposal Facilities".

10. The Licensee shall comply with the provisions of 30 TAC Chapters 25 (Environmental Testing Laboratory Accreditation and Certification); 35, Subchapter H (Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions pertaining to Radioactive Substances and Materials); 39, Subchapters A (Applicability and General Provisions), H (Applicability and General Provision) and M (Public Notice for Radioactive Material Licenses); 50 (Action on Applications and Other Authorizations); 55, Subchapter G (Requests for Contested Case Hearing and Public Comment on Certain Applications); 60 (Compliance History); 70 (Enforcement); 80 (Contested Case Hearings); 281, Subchapter A (Application Processing); 305, Subchapters A (General Provisions), B (Emergency Orders, Temporary Orders, and Executive Director Authorizations), C (Application for Permit or Post-Closure Orders), D (Amendments, Renewals, Transfers, Revocation, and Suspension of Permits), and F (Permit Characteristics and Conditions); 327 (Spill Prevention and Control); and 336, Subchapters A (General Provisions), B (Fees), C (General Licensing Requirements), D (Standards for Protection), E (Notices, Instructions and Reports, and Inspections), and L (Licensing of Source Material Recovery and By-product Material Disposal).

11. The following words and terms when used in this license shall have the following meaning:

- A. Executive Director - The Executive Director of the TCEQ, or any individual authorized to act for the Executive Director in the administration of the license and the rules of the TCEQ (for example, reporting, inspection, emergency response, etc.).
- B. Bulk Material – Material that is soil or soil-like in its physical form.
- C. By-product material disposal facility (BMDf) – That area comprising approximately 36.39 acres and all the features supporting the disposal facility, including, but not limited to, the disposal cells, decontamination building, contact water storage tanks and pad, incoming container storage pad, outgoing container storage area, guard house and counting lab, overhead inspection station, within the boundary circumscribed by the security fence as depicted in Figure 3.18 and 3.19 of Section 3 of Volume 1 of the renewal application.
- D. Commission – The Commissioners of the TCEQ acting in their official capacity.
- E. Container – A sealed, flexible or rigid drum, pail, box, sack, or similar container which does not tear, split, or rupture upon handling, placement, and compaction in the disposal unit; and which does not lose its structural strength and integrity when contacting water. Acceptable containers may include, but are not limited to, approved U.S. Department of Transportation containers. Containers to be placed in the disposal facility shall not contain free liquids, and shall have no more than 15% void volume.
- F. Containerized – Confined in a container. Specifically, the packaging of Silos 1 and 2 by-product material from the Fernald former uranium processing facility into steel containers.

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- G. Licensed site – That area comprising approximately 36.39 acres and all the features supporting the disposal facility, including, but not limited to, the disposal cells, decontamination building, contact water storage tanks and pad, incoming container storage pad, outgoing container storage area, guard house and counting lab, overhead inspection station, within the boundary circumscribed by the security fence as depicted in Figure 3.18 and 3.19 of Section 3 of Volume 1 of the renewal application.
- H. Restricted Area – An area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building shall be set apart as a restricted area.
- I. Site – Has the same meaning as Licensed site.
- J. Facility – Same meaning as Licensed site.
- K. Disposal Facility – Same meaning as Licensed site.
- L. Disposal area – The area containing by-product material to which the requirements of 30 TAC 336.1129(p) through (aa) apply.
- M. Disposal unit or disposal cells – The features described in the renewal application for the emplacement of by-product material.
- N. Operations - The receipt of by-product material for disposal from other persons and/or the emplacement of by-product material into a disposal cell and any other activities associated with the receipt and emplacement of by-product material. A disposal cell is in operation from the day that by-product material is first placed in it until the day that final closure of the last disposal cell begins.
- O. Construction – Those activities that execute the construction of the features of the Disposal Facility as described in the renewal application.
- P. Excavation – Those subset of activities comprising Construction that involve the removal of native materials (e.g., soils) at the site for the construction of the Disposal Facility features, such as, the disposal cells, receiving pad, contact water storage pad, and decontamination building.

12. The following are related to the designated Radiation Safety Officer (RSO) under this license:

- A. The individual designated to perform the functions of RSO for activities covered by this license is Mr. Jay Cartwright.
- B. The RSO shall be the primary contact between the Licensee and the TCEQ for all matters relating to this license and radiation safety.
- C. Any request for amendment of the license shall be submitted under the signature of the RSO.
- D. The Licensee shall provide a resolution from its board of directors, attested by the secretary of the corporation, that the Licensee has delegated to the RSO position the authority to act for and on behalf of the Licensee in all matters relating to radiation safety matters and this license.
- E. The Licensee shall revise organizational chart and the description of the duties, responsibilities and authorities of the RSO submitted in the application to depict and specify that the designated RSO has a direct line of communication with the Licensee's President on all matters pertaining to radiation safety and compliance with the conditions of this license and the applicable rules.
- F. The Licensee shall require the following qualifications of any person to be designated to serve as the RSO for this license:
 - 1) A bachelor's degree in the physical or biological sciences, industrial hygiene, or engineering from an accredited college or university or an equivalent combination of education and relevant experience in radiation protection for uranium recovery, waste processing or a production facility. Two (2) years of relevant experience is considered equivalent to one (1) year of academic study.
 - 2) At least one (1) year of work experience relevant to uranium recovery, waste processing or

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production operations in applied health physics, radiation protection, industrial hygiene, or similar work.

- 3) At least four (4) weeks of specialized classroom training in health physics specifically applicable to uranium recovery, waste processing or production.
- 4) Attend refresher training on uranium recovery, waste processing or production facility health physics every two (2) years.

13. Facility Construction

- A. The BMDF must be located as described in Section 3 of Volume 1 of the renewal application.
- B. The BMDF must consist of the features as depicted in, and constructed in accordance with the drawings, specifications, and references contained in Section 3 of Volume 1 of the renewal application dated May 23, 2018, the revisions to the renewal application in the letter dated July 12, 2018 and the conditions of this license.
- C. Any modification or deviation from the drawings, specifications, and references in applications for Fernald Disposal Activity, Red Bed Bench, Phased Construction, Sacrificial Sidewall Geomembrane and the related conditions of this license shall require approval by the commission by amendment of this license.
- D. Prior to emplacement of by-product material or fill along BMDF Cell A or B sidewall, the licensee shall inspect the exposed geocomposite drainage layer for significant damage (e.g., due to UV exposure) on any sidewalls adjacent to planned by-product material or fill placement. Any damaged areas will be evaluated and repaired or replaced, if necessary, before by-product material or fill placement.

14. The Licensee shall not accept or dispose of uncontainerized, bulk by-product material.

- A. Containers for the disposal of by-product material shall conform to the definition in Condition 11.
- B. The Licensee shall not receive by-product material intended for disposal by rail.
- C. The Licensee shall not open or empty any container of bulk by-product material received at the BMDF except to obtain a sample from the container for verification purposes. The Licensee shall dispose of received bulk by-product material by placement of the intact container into the by-product material disposal unit.
- D. The Licensee shall use uncontaminated or clean grout, sand, or other suitable flowable material to fill void spaces and gaps around emplaced containers of by-product material and around emplaced non-bulk material in the disposal unit.

15. The Licensee has a duty to comply with all license conditions. Failure to comply with any license condition is a violation of the license and statutes under which the license is issued and is grounds for enforcement action, for license amendment, revocation, or suspension, or for denial of a license renewal application or an application for a license or permit for another facility.

16. The Licensee must apply for an amendment or renewal before the expiration of the existing license in order to continue receipt and disposal of by-product material after the expiration of the license. Authorization to continue such activity terminates upon the effective denial of said application. Obligations or requirements for decommissioning, environmental monitoring, financial assurance, radiation safety, and control of entry to restricted areas continue in effect beyond the expiration date of this license until the Executive Director notifies the licensee in writing that the provisions of the license are no longer binding.

17. It is not a defense in an enforcement action that it would have been necessary to halt or reduce the licensed activity to maintain compliance with the license conditions.

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18. The Licensee shall take all reasonable steps to minimize or prevent any discharge, disposal, or other license violation which has a reasonable likelihood of adversely affecting human health or the environment.
19. The Licensee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the Licensee to achieve compliance with the license conditions.
20. The Licensee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the license, and copies of records required to be kept by the licensee.
21. The Licensee shall give notice to the Executive Director before physical alterations or additions to the licensed facility if such alterations or additions would require a license amendment or result in a violation of license requirements.
22. Authorization from the commission is required before beginning any change in the licensed facility or activity that would result in noncompliance with other license requirements.
23. Unless subject to a different reporting requirement in this license or under 30 TAC Section 336.335 (Reporting Requirements for Incidents), the Licensee shall report any noncompliance to the Executive Director which may endanger human health or safety or the environment. Such information must be provided orally within 24 hours from the time the Licensee becomes aware of the noncompliance. A written submission must also be provided within five days of the time the Licensee becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
24. Inspection and entry by the Executive Director to the licensed site must be allowed under Texas Water Code, Chapters 26 - 28 and 32, Texas Health and Safety Code, §§361.032, 361.033, 361.037, 401.057(a), and 401.063, and Title 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code, §26.014, that commission entry of a facility shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
25. This license may not be transferred except on approval of the commission.
26. All reports and other information requested by the Executive Director must be signed by the person and in the manner required by 30 TAC §305.128 (Signatories to Reports).
27. This license may be amended, suspended and reissued, or revoked for cause. The filing of a request by the Licensee for a license amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any license condition.
28. This license does not convey any property rights of any sort, or any exclusive privilege.
29. Where the Licensee becomes aware that it failed to submit any relevant facts in a license application, or submitted incorrect information in an application, or in any report to the Executive Director, the Licensee shall promptly submit such facts or information.
30. Bankruptcy

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A. The Licensee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

- 1) The Licensee;
- 2) An entity (as that term is defined in 11 USC, §101(14)) controlling the Licensee or listing the license or Licensee as property of the estate;
- 3) An affiliate (as that term is defined in 11 USC, §101(2)) of the Licensee; or
- 4) JF Lehman and Company

B. This notification must indicate:

- 1) The name of the Licensee;
- 2) The license number(s);
- 3) The bankruptcy court in which the petition for bankruptcy was filed; and
- 4) The date of filing of the petition.

31. At any time before termination of the license, the Licensee shall submit written statements under oath upon request of the commission or Executive Director to enable the commission to determine whether or not the license should be modified, suspended or revoked.
32. The Licensee shall be subject to the applicable provisions of Texas Health and Safety Code, Chapter 401, also known as the Texas Radiation Control Act (TRCA) now or hereafter in effect and to applicable rules and orders of the commission. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to the TRCA or other applicable law, or by reason of rules and orders issued in accordance with terms of the TRCA.
33. Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the TRCA, or because of conditions revealed by any application or statement of fact or any report, record, or inspection or other means that would warrant the commission to refuse to grant a license on the original application, or for failure to operate the facility in accordance with the terms of the license, or for any violation of or failure to observe any of the terms and conditions of the TRCA or other applicable law or the license or of any rule or order of the commission.
34. Reserved.
35. The commission may incorporate in this license at the time of issuance, or thereafter, by appropriate rule or order, additional requirements and conditions with respect to the Licensee's receipt, possession, and disposal of by-product material as it deems appropriate or necessary in order to: (1) protect the health and safety of the public and the environment; or (2) require reports and recordkeeping and to provide for inspections of activities under the license that may be necessary or appropriate to effectuate the purposes of the TRCA and rules thereunder.
36. Financial security acceptable to the Executive Director in amount and form shall be maintained until license termination has been approved by the Executive Director, and the United States Nuclear Regulatory Commission (NRC) has concurred in that approval. The term "financial security" has the same meaning as "financial assurance."

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- A. Financial security in an amount not less than \$5,435,170 (2018 dollars) for decommissioning, \$131,995 (2018 dollars) for five-years of post-operational surveillance, and \$1,014,374 (2018 dollars) for long-term care must be provided by the Licensee to the Executive Director. These amounts must be converted to current dollar amounts, by use of an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- B. The Licensee shall reevaluate the decommissioning cost estimate on the anniversary date of this license each year and upon amendment to the license, and submit a revision of the decommissioning funding plan to the Executive Director for approval. Executive Director's approval may be demonstrated by either amendment of this license to specify the current dollar amount, or a letter from the Director of the Radioactive Materials Division of the TCEQ stating that the amount is acceptable. The licensee must provide any increase in the amount of financial security within 60 days of a determination of the cost estimate by the Executive Director.

37. Contact Water

- A. The discharge of landfill wastewater as defined in Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004857000 from the two 500,000 gallon storage tanks via Outfall 103 is specifically authorized during Fernald Disposal Activity. The Licensee is authorized to discharge landfill wastewater and shall comply with the effluent limitations and all other applicable requirements of TPDES Permit No. WQ0004857000 for Outfall 103.
- B. Records of the volumes of water collected and transferred according to section 3.7.3 of the renewal application shall be maintained at the facility for a period of three years and shall be available for inspection by the Executive Director at any time during normal business hours.
- C. The Licensee shall also report directly to the Executive Director their daily monitoring findings (as specified by TPDES Permit No. WQ0004857000) during any discharge from Outfall 103. If those daily monitoring reports should indicate an exceedance of the Discharge Limitations (Single Grab) under TPDES permit No. WQ0004857000, then the Licensee shall begin a sediment sampling program at the Outfall 103 release point outside of the BMDF footprint.
- D. The Licensee shall inspect the contact water collection, holding and transfer system in accordance with Table 37.D. Records of the inspections, results of the inspections, identification of leaks, remedial/corrective action activities resulting from the inspections and identification of replaced/repared equipment shall be maintained at the facility for a period of three years and shall be available for inspection by the Executive Director any time during normal business hours.

Table 37.D - Inspection of Contact Water Collection, Holding and Transfer System

Facility Unit(s) and Basic Elements	Possible Error, Malfunction, or Deterioration	Frequency of Inspection
Tank Truck Loading/Unloading Areas	Check for evidence of spills	Daily
	Check for removal of spill absorbent and cleanup materials	Daily
	Check containment system base, sump, and curbs for cracks, damage	Weekly
	Check liquid levels in sumps	Daily
	Inspect hoses, couplings, pumps, and valves for leakage	Daily
	Inspect hoses, couplings, pumps, and valves for deterioration	Weekly

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Facility Unit(s) and Basic Elements	Possible Error, Malfunction, or Deterioration	Frequency of Inspection
Tank Containment Areas	Check for evidence of spilled materials Check for gaps and cracks in base and walls/curbs Check coating system for integrity Check for evidence of seepage outside containment (.e.g., discoloration) Check for debris, cleanup residue, improperly stored equipment Check for liquids in containment system	Daily Daily Weekly Daily Daily Daily
Holding Tanks	Inspect tank exterior for cracks, leaks, discoloration, and obvious deformation Check grounding wire for damage Check tank wall thickness and integrity using appropriate methods Conduct visual internal inspection	Monthly Monthly Every five (5) years or less ¹ Prior to end of tank bottom corrosion life or ten (10) years ¹
Access Hatches and Vents	Check for leaks Check for damage	Weekly Weekly
Pumps and Piping	Inspect for leaks Inspect for deterioration	Daily Weekly
Temperature Gauges, Pressure Gauges	Check for operability	Daily
Overflow System (switches, controllers, flow control valves)	Check for operability	Daily
	Check tank liquid level indicators (overfill control monitors) for operability	Daily
Leak Detection and Leachate Collection Sumps	Collect a liquid grab samples, if present Monitoring system sumps – record level in sumps and volume of any leachate pumped. Exterior surface of standpipe cover – wipe sample	Semi-annually analyze liquid sample from each sump for: gross alpha, gross beta, alpha isotopic ² , gamma isotopic, and liquid scintillation

1. Inspections shall comply with the United States Environmental Protection Agency (EPA) Spill Prevention, Control, and Countermeasures requirements in 40 CFR Part 112; including inspection standards provided by the American Petroleum Institute Standard 653 and the Steel Tank Institute. When corrosion rates are not known and similar service experience is not available to estimate the bottom plate minimum thickness at the next inspection, the internal inspection interval shall not exceed 10 years. In no case, however, shall the internal inspection interval exceed 20 years.
- 2 Alpha isotopic analyses performed if confirmed gross alpha (initial result and re-analysis) exceeds natural background levels. Analyses will include radium, thorium, and uranium using the EPA and United States Department of Energy (DOE) modified analytical method used for the appropriate baseline analyses.

38. The Licensee shall verify during excavation and construction of the disposal facility, by geotechnical sampling taken at the time of excavation and laboratory analysis, the original geotechnical soil

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design parameters and features including, but not limited to: soil moisture, bearing capacity, slope stability, and permeable soil stringers, as contained in the renewal application. The Licensee shall cease excavation and construction when directed to do so by the Executive Director in order to sample, verify or test.

39. During excavation and construction of the disposal facility, the Licensee shall provide weekly written reports and photographs to accommodate the Executive Director's inspection and observation of all excavation and construction activities. Particular attention must be directed to fractures, faults, any evidence of collapse features or groundwater flow, or unanticipated geologic features encountered. The Licensee shall cease excavation and construction when directed to do so by the Executive Director in order to sample, verify or test.
40. During excavation and construction of the disposal facility, the Licensee shall perform geotechnical studies, and allow for observation by the Executive Director, to verify original geotechnical conditions by continuously monitoring parameters and features including, but not limited, to: soil moisture, bearing capacity, slope stability, and permeable soil stringers as construction progresses. The Licensee shall report verification results to the Executive Director and provide certification of geotechnical studies by a qualified geotechnical professional.
41. Reserved.
42. Reserved.
43. Reserved.
44. The Licensee shall conduct water-level elevation measurements quarterly on all wells completed in the Ogallala-Antlers-Gatuña (OAG) formation to monitor potential movement in the mapped dry line. The Licensee shall report these elevation measurements in writing to the executive director on an annual basis no later than the 31st day in January of each year. If the water level elevations are at or higher than the top of the Dockum formation at the facility, excavation shall cease in order to sample, verify or test.
45. If any alterations or major changes in the design and "as-built" construction drawings have occurred since the July 21, 2009 submission of the final report, notification of such changes and "as-built" construction drawing shall be submitted to the Executive Director within 10-days of completion of said alteration for review and approval. A Registered Professional Engineer licensed to practice in Texas shall certify that the disposal facility has been constructed in accordance with the license renewal application and the conditions of the license.
46. The Licensee shall minimize the potential for the introduction of water into the disposal facility.
 - A. The Licensee shall minimize the potential for the introduction of water into the OAG formation from the bench of the disposal unit. The Licensee must take precautions to minimize precipitation or runoff from the bench entering any active disposal cell. Exposed portions of the OAG formation or Dockum sandstone/siltstone located within the drainage channel created by the bench of the disposal unit shall be temporarily sealed by a 2-foot thick re-compacted clay liner of the same specifications as applied to the disposal facility liner. Catch basins on the bench of the disposal unit shall be temporarily sealed by a geomembrane, concrete liner, or technologically equivalent material. These temporary liners shall remain fully functional until the final cover is applied.
 - B. Reserved.
 - C. The Licensee shall inspect the OAG formation exposed by facility excavation above the Red Bed Bench for seepage or other changes on a daily basis and shall record the location and approximate quantity of any seepage.
 - D. The Licensee shall minimize the use of water or other liquid for the purpose of dust

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suppression in the disposal unit and on the licensed site. Provided that all applicable limits specified in TPDES Permit No. WQ0004857000 are met allowing release, the Licensee is authorized to reuse contact water from the two BMDF 500,000 gallon storage tanks for general use. This general use includes reuse/recycling; dust suppression; waste stabilization; soil conditioning; or other similar uses throughout the WCS facilities complex. General nuisance dust suppression within the BMDF, and within the disposal unit itself as required, shall utilize only uncontaminated water; may utilize performance enhancing additives approved by the Executive Director; and shall be limited to those reasonable spray application rates necessary to meet the requirements of 30 TAC, §336.1129(dd)(3).

47. The Licensee shall monitor the 125-foot Sandstone in accordance with the following:
 - A. Reserved.
 - B. The Licensee shall monitor these wells quarterly for the presence of water and the groundwater elevation.
 - 1) If groundwater is detected above the lower confining unit in any well(s), the Licensee shall notify the Executive Director in writing within ten (10) days of the first occurrence of this condition, otherwise the reporting period must be quarterly.
 - 2) If sufficient groundwater exists above the lower confining unit to take a sample, it shall be collected and analyzed in accordance with the Licensee's Consolidated Radiological Environmental Monitoring Program (REMP).
48. Reserved.
49. Reserved.
50. Reserved.
51. In the event that the spoil piles west of the BMDF are removed by natural or man-made means, the Licensee must redirect the drainage away from the disposal facility. The intent of the realignment is to direct potential future erosion away from the BMDF. The proposed design must be submitted to and approved by the Executive Director prior to implementation.
52. Reserved.
53. The Licensee must follow all procedures including, but not limited to, those procedures requiring specific executive director approval. For procedures that require approval by the executive director, the Licensee may revise those procedures upon executive director review and written approval. All proposed changes to such procedures must be submitted at least 30 days prior to its intended use, unless otherwise agreed to by the executive director. Documentation of all such approvals, modifications, and the corresponding internal review shall be maintained and available for inspection at the licensed facility for a minimum of 5 years.
54. Reserved.
55. Reserved.
56. The Licensee shall:
 - A. Require all persons (employees and/or contractors) who work in the BMDF to successfully complete the licensee's radiation safety training program, prior to start of work at BMDF, without exception.
 - B. Provide training to radiation workers covering the topics indicated in the Licensee's RSP-100, titled "Radiation Safety Program". A minimum of 16 hours of training shall be provided

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to each radiation worker.

57. The Licensee must comply with the following regarding personnel dosimetry:
 - A. The Licensee must provide personnel dosimetry to all employees and contractors who enter the BMDF.
 - B. Reserved.
 - C. The Licensee shall comply with the following regarding the storage of dosimeters issued to employees when the dosimeters are not in use:
 - 1) The Licensee shall provide a place for storage of dosimeters issued to personnel;
 - 2) The place for storage of issued dosimeters (when not in use) shall be in an area determined to be of natural-background radiation;
 - 3) A control dosimeter shall be located in the issued dosimeter storage area; and
 - 4) The control dosimeter for the issued dosimeter storage area shall be exchanged and processed at the same frequency as the dosimeters issued to personnel.
58. The Licensee must comply with the following regarding training and operations:
 - A. Visitors to BMDF shall be escorted by personnel trained in the facility's safety procedures.
 - B. All clerical and office support staff shall be given general radiation safety training which may be an abridged version of that given to operations personnel. If any one of these employees transfers to other duties, the employee shall be given appropriate radiation safety training for his or her new assignments.
 - C. All female employees shall be given instruction concerning prenatal radiation exposure.
 - D. The Licensee shall make a record of the training provided to all of the above. The record shall indicate the name of the individual receiving the training or instructions, the date the training or instruction is provided, the results of examinations for course material retention, and the name of the training course provider and the instructor.
59. Prior to the receipt of by-product material for disposal, as part of the acceptance process, the Licensee shall require the generator/shipper of by-product material to provide a chemical constituent profile of any by-product material offered for disposal. The chemical constituent profile shall list the chemicals contained in the by-product material and their concentration.
60. The Licensee shall randomly sample shipments of by-product material received at the BMDF to confirm that the material is as manifested and is consistent with the definition of by-product material in accordance with the following:
 - A. Five (5) percent of the shipments received shall be sampled, that is, one (1) out of every twenty (20) vehicles delivering by-product material for disposal at the BMDF.
 - B. The samples shall be analyzed to ensure that only by-product material is received at the facility. The analysis shall consist of, at a minimum of, alpha and gamma spectroscopy to identify any radionuclides that do not fit within the decay schemes of uranium-238 and thorium-232.
 - C. The Licensee shall make a record of each sampling and analysis. The record shall indicate the following:
 - 1) Date(s) of sampling and analysis;
 - 2) Person performing the sampling;

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- 3) Method/procedures used to perform sampling;
 - 4) Results of the analysis;
 - 5) Identity of the shipper; and
 - 6) Actions taken if material is not consistent with manifest, or is not by-product material.
61. The Licensee shall perform and document visual inspection and radiation surveys of all incoming radioactive material packages in accordance with Procedure No. RS-4.2.1, titled "Survey of Incoming and Outgoing Radioactive Materials."
 62. The Licensee shall make available for inspection and review by the Executive Director immediately upon request, all records required by this license, the applicable rule (i.e., 30 TAC Chapter 336), statute, or committed to by the Licensee in the referenced application, procedures and correspondence.
 63. The Licensee shall survey all equipment and vehicles immediately prior to leaving the restricted area as described in procedure RS-4.2.2, titled "Transport Vehicle Release Surveys". The Licensee shall not allow any vehicle or equipment to leave the restricted area for release to unrestricted use until it is demonstrated to not exceed the surface contamination limits specified in 30 TAC, §336.364 Appendix G.
 64. The Licensee shall maintain operation of the leachate collection and leak detection systems through site closure.
 65. The Licensee shall make a record of inspections performed daily and certified by a qualified person to verify the integrity of the by-product material retention systems per the requirements of 30 TAC, §336.1113(1). The inspection records shall indicate the date of the inspection, the person making the inspection, list the items inspected and note the findings of the inspection with respect to the by-product material retention systems. In addition to the items listed in Section 3.11 of Volume 1 of the renewal application, the Licensee shall daily inspect the contact water tanks. The Licensee shall make available the records of the inspections for review by the Executive Director immediately upon request. The inspection records shall include the decision concerning each finding, including the decision of no action. The completion of any actions due to these decisions concerning inspection findings shall be included in the inspection records. Monitoring equipment found to be nonoperational shall be repaired or replaced and/or scheduled for repair or replacement immediately to ensure minimal interruption to monitoring. Removal of stormwater accumulation in the disposal cells and trenches shall be initiated as soon as practicable, but not later than 1 week after the finding(s). The following conditions shall be corrected within two weeks after the finding(s):
 - A. Prevention and/or removal of any deep-rooted, woody and/or brushy species in the disposal unit that is reasonably determined:
 - 1) may pose a reasonable threat to potentially damage the liner and/or waste containers, or
 - 2) may reduce the effectiveness of controlling the runoff of stormwater;
 - B. Erosion or deterioration of the temporary cover on the containers in the landfill;
 - C. Exposure of the waste containers;
 - D. Perimeter berm erosion and deterioration, including erosion and deterioration of the ramp to the disposal area/disposal cell and the Red Bed Bench, which

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- 1) may reduce the effectiveness of controlling the runoff of stormwater, or
- 2) may present a potential safety hazard; and

E. Maintenance and repair of the BMDF trenches and walls which, if not performed,

- 1) may reduce the effectiveness of controlling the runoff of stormwater, or
- 2) may present a potential safety hazard.

66. The Licensee shall designate the area within the by-product material disposal cell as a "restricted area" for the purpose of controlling exposure to ionizing radiation in accordance with 30 TAC §336.2.
67. To demonstrate compliance with License Condition 7.A, the Licensee shall record volume and radioactivity of each waste emplacement made into the disposal facility, the date and location of placement, the date of receipt at the BMDF, and the name, address and radioactive material license number of the generator. The Licensee shall use a record keeping system that provides a running total of the volume and radioactivity of by-product material disposed.
68. Eating, drinking, chewing, and/or smoking shall not be allowed within the restricted area or in any area where radioactive material is managed in accordance with the Radiation Safety Program and all applicable procedures.
69. The Licensee shall designate any area as an airborne radioactive area in accordance with 30 TAC §336.2.
70. The Licensee shall monitor for radon at the facility in accordance with procedure RS-3.3.1.
71. If historic or cultural properties are encountered during construction, operation, decommissioning, or any other activities, the Licensee shall cease work at the immediate vicinity of that site and shall notify the State Historical Preservation Officer, the Advisory Council on Historic Preservation, and the Executive Director. These agencies shall be afforded an opportunity to comment in accordance with Protection of Historic and Cultural Properties (Federal Register Notice, Vol. 44, No. 21, January 30, 1979).
72. The Licensee shall post the disposal cell fence, disposal cell entrance and the contact water collection tanks in accordance with this license, 30 TAC §336.325, and 30 TAC §336.326 when applicable.
 - A. At a minimum, the postings of the BMDF, including the by-product contact water collection tanks if measured concentration values of the tank's contents require posting according to 30 TAC §336.326(e), shall read: Caution Radioactive Material(s) or Danger Radioactive Material(s).
 - B. The lettering on the postings shall be clearly visible and legible.
 - C. The postings shall be placed in a manner that are noticeable and clearly visible to make individuals aware of potential radiation exposures.
73. The Licensee shall obtain all permits and licenses required by federal, State and/or local authorities prior to commencing any operations. Copies of all such permits, licenses, and their respective amendments shall be provided to the Executive Director within 30 days of their receipt by the Licensee.
74. The Licensee shall not begin any operations without the required TCEQ permit(s) and/or authorization(s) and shall abide by the requirements of any TCEQ permit, authorization, and/or

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rule. The Licensee shall notify the Executive Director of any proposed modifications to any TCEQ permit(s) and/or authorization(s) and of their final approval.

75. Reserved.
76. The Licensee shall maintain records of the following for review by the Executive Director: training, monitoring, sampling, and methods/procedures used to analyze samples; transfer, shipments, and disposal of radioactive materials; program audits, inspections, surveys, any other records required by this license, or 30 TAC Chapter 336, Subchapters A, B, C, D, and L.
77. Reserved.
78. The Licensee shall conduct an annual review of the radiation safety program in accordance with the following prior to December 15th of each year:
 - A. Include all the items listed in procedures EV-1.1.0, titled "Consolidated Radiological Environmental Monitoring Program", and RS-1.2.1, titled "Radiation Safety Program Review", as activities conducted to evaluate specific components of the review;
 - B. Review of operating procedures involving the receipt, handling, processing, storage, and disposal of radioactive materials;
 - C. Review of previous audits, inspections, and surveys conducted by the Licensee (for timeliness and the resolution of any problems);
 - D. Review of the respiratory protection program as specified in 30 TAC Section §336.321; and
 - E. Prepare a report summarizing the reviews and/or audits. The report must be submitted for review to the Executive Director annually by January 31st of the following year.
79. The following requirements are related to personnel surveys and monitoring:
 - A. Reserved
 - B. All persons exiting the restricted area shall be surveyed/frisked for alpha and beta-gamma contamination.
 - C. Any reading above 30 TAC §336.364, Appendix G, Acceptable Surface Contamination Levels, detected on personnel upon exiting shall require additional monitoring in accordance with procedure RS-3.6.1, Personnel Contamination Monitoring, and decontamination according to procedure RS-3.6.2, Response to Personnel Contaminations.
80. Reserved.
81. Reserved.
82. Reserved.
83. In addition to calibration of the air samplers at intervals not to exceed twelve (12) months or a shorter period if recommended by the manufacturer, the Licensee must also calibrate air sampler flow meters after repairs or modifications to the air flow meter have occurred, or if the air flow meter is damaged.
84. Respirators made available for reissuance or reuse must show no removable contamination in excess of 100 disintegrations per minute (dpm) per 100 square centimeter (cm²) alpha contamination, and/or in excess of 1,000 dpm/100 cm² beta-gamma contamination (as determined by standard wipe or smear techniques), and no fixed beta-gamma contamination in excess of 0.2 milliroentgen per hour (mR/hr) above background on contact.
85. Along with complying with all confined space entry requirements and before any work, including maintenance, repair, cleaning, dismantling or other such activities, is performed within closed

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tanks on the licensed facility which may contain or have contained radioactive materials, radiation work permits (or their equivalent) shall be submitted to the RSO. The RSO shall survey all tank interiors using radiological measuring and detection instruments and wipe methods to determine if contamination is present prior to any work being performed. If contamination exceeding 220,000 dpm/100 cm² is found or if the RSO does not perform such a survey, then protective clothing and respiratory protection shall be worn by employees during the performance of operations.

86. The Licensee shall conduct surveys for fixed and removable alpha, beta, or gamma contamination to evaluate the radiation and contamination levels in accordance with the requirements of 30 TAC §336.315 and the limits stated in 30 TAC §336.364 Appendix G. In addition, routine and non-routine surveys shall be conducted as stated in WCS' approved procedures RSP-100, titled "Radiation Safety Program", and RS-3.2.4, titled "Scheduling of Radiological Surveys".
87. All survey and monitoring program records shall be maintained for review by the Executive Director.
88. Any soil outside the disposal unit exceeding the following limits shall be removed and disposed of as by-product material, unless alternative methods of disposal and/or processing are authorized by the Executive Director:
 - A. Radium-226 or radium-228 in soil, averaged over any 100 square meters (m²), shall not exceed the background level by more than 5 picocuries per gram (pCi/g) (0.185 becquerel per gram (Bq/g)), averaged over the first 15 centimeters (cm) of soil below the surface; and 15 pCi/g (0.555 Bq/g), averaged over 15 cm thick layers of soil more than 15 cm below the surface.
 - B. By-product material containing concentrations of radionuclides other than radium in soil (e.g., natural uranium, natural thorium, lead-210), and surface activity on remaining structures, shall not result in a total effective dose equivalent (TEDE) exceeding the dose from cleanup of radium contaminated soil to the standard in part A of this license condition and shall be at levels which are as low as reasonably achievable. If more than one residual radionuclide is present in the same 100 m² area, the sum of the ratios for each radionuclide of concentration present to the calculated radium benchmark dose equivalent concentration limits will not exceed "1" (unity). A calculation of the potential peak annual TEDE within 1,000 years to the average member of the critical group that would result from applying the radium standard (not including radon) must be submitted for approval, using the United States Nuclear Regulatory Commission (NRC) staff guidance on the Radium Benchmark Dose Approach.
 - C. Where background radiation levels for soils were not established before the soil surface was disturbed, the background levels shall be established by sampling nearby locations which have not been disturbed by on-site by-product material transport, handling, processing, or disposal. The background levels established by this means are subject to approval by the Executive Director.
89. Reserved.
90. The Licensee shall include as a part of the decommissioning of the BMDF for the management of any equipment, vehicle, structure or portion of a structure (including concrete foundations), or discrete solid objects such that they shall not be released from the facility for unrestricted use until it is demonstrated by survey that it does not exceed the surface contamination limits specified in 30 TAC, §336.364 Appendix G, or will be transferred to a person possessing a radioactive material license issued by either an Agreement State or the NRC authorizing the possession of the specific radionuclide(s) and activities contaminating the item, or will dispose of the item by placement into the last disposal cell, and will remove any soils at the facility that exceed the contamination limits specified at 30 TAC §336.1115(e), that is, radium-226 or radium-228 concentration shall not exceed

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5 pCi/g averaged over the first 15 cm of soil below the surface, and shall not exceed 15 pCi/g averaged over any 15 cm thick soil layer more than 15 cm below the surface of the soil, and by-product material containing concentrations of radionuclides other than radium in soil, and surface activity on remaining structures, shall not result in a TEDE exceeding the dose from cleanup of radium contaminated soil to the standard in 30 TAC §336.1115(e)(1), and shall be at levels which are as low as reasonably achievable.

91. Reserved.
92. The Licensee shall conduct the environmental monitoring program in accordance with the Radiological Environmental Monitoring Program (REMP) until the license is terminated:
 - A. General Provisions. The Licensee must conduct the radiological and nonradiological environmental monitoring specified in this license and the consolidated REMP; and changes to the REMP must be approved by the executive director. The Licensee must follow the Multi-Agency Radiological Laboratory Analytical Protocols Manual (MARLAP) and all environmental samples shall be analyzed by a National Environmental Laboratory Accreditation Conference (NELAC) certified laboratory. The Licensee must provide a list of methods that are not NELAC certified that they plan to use and a list of methods that were NELAC certified but have been modified for TCEQ review and approval.
 - B. Evaluation of Data. The Licensee shall evaluate the environmental monitoring data using a two-tiered environmental monitoring response system that uses an Investigation Level and an Action Level. The Investigation Levels (ILs) and Action Levels (ALs) established shall provide reasonable assurance that exposures to human health and the environment are within the limits established in the performance objectives listed in 30 TAC §336.724 relating to Protection of the General Population from Releases of Radioactivity, 30 TAC §336.725 relating to Protection of Individuals during Operations and 30 TAC §336.731 Environmental Monitoring.
 - C. Transitional Monitoring Period. The executive director may require the licensee to provide for a transitional environmental monitoring period whenever program components, including sampling locations, equipment, techniques, or laboratories, are changed to ensure continuity and computability in the data collected. This transitional period may include parallel monitoring with both the old and new conditions for at least one (1) sampling period or as directed by the Executive Director.
 - D. Reserved.
 - E. In determining the ILs and ALs for the REMP, the licensee shall develop and submit to the executive director for approval the dose-based compliance (DCM) system which includes IL, AL, and screening levels and any future changes of the DCM for executive director approval. The results of the evaluations must be included in the annual environmental monitoring report to the executive director conducted during each calendar year. The dose compliance system shall be developed to evaluate the environmental monitoring measurements to determine: (1) the presence of WCS emissions in the environment; (2) the dose consequences if radionuclides from WCS origin are observed; (3) early warning of releases of radionuclides and chemical constituents before they leave the disposal site boundary, and (4) the annual dose estimate to a hypothetical member of the public resulting from WCS operations. Items 1 and 2 are termed continuous monitoring and screening and item 4 is termed the compliance dose calculation.
 - F. The site-specific consolidated REMP EV-1.1.0 and procedures listed within the REMP must be used when monitoring all groundwater zones and environmental media:
 - 1) REMP and procedures listed within the REMP must include a method or methods for well purging and well sampling, including wells in low flow conditions, to assure that well samples are representative of the groundwater in the zone that is sampled.
 - 2) For the purpose of observing variations in water levels, water tables and potentiometric

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surfaces, the Licensee must establish a network of wells that is representative of water bearing zones and monitor using continuous transducers when necessary.

- 3) Well sampling must be conducted whenever it is determined that: (1) water is groundwater; and (2) a saturated condition exists. The method for water sampling is intended to assure that well samples are taken from groundwater in the formation and not from condensation in the well.
- 4) The Licensee shall provide an annual environmental monitoring report to the executive director to be submitted before May 31. The annual report shall include the results of all environmental media samples for all facilities and the site meteorological data for the Waste Control Specialists LLC, Andrews County site. The Annual Environmental Monitoring Report shall be submitted to the executive director on or before May 31st of each year. The Licensee shall follow the requirements of 30 TAC Chapter 25 (Environmental Testing Laboratory Accreditation and Certification), and provide the executive director with acceptable analytical data provided by an accredited environmental testing laboratory unless extenuating conditions exist as specified under 30 TAC §25.6 (Conditions Under Which the Commission May Accept Analytical Data).

G. Reserved.

H. Reserved.

I. Duplicate Samples and Other Environmental Samples. The Licensee shall provide the Executive Director an opportunity to obtain duplicate samples concurrent with the Licensee's data collection schedule. In addition, the Licensee shall allow the Executive Director the ability to obtain any environmental media sample(s) the Executive Director deems necessary.

J. Investigative and Action Levels Requirements

- 1) In the event that an IL is exceeded, the Licensee shall perform the following:
 - a. Notify the agency as soon as practicable upon knowledge of a possible exceedance;
 - b. Notify the agency within 24 hours of verification of the analytical results;
 - c. Investigate the cause and, if necessary, take corrective action, including but not limited to, re-sampling and re-analysis;
 - d. Perform a trend analysis;
 - e. Monitor the sample location, and
 - f. Document the incident and maintain the record.
- 2) In the event that an AL is exceeded, the Licensee shall perform the following:
 - a. Notify the agency as soon as practicable upon knowledge of a possible exceedance;
 - b. Notify the agency within 24 hours of verification of the analytical results;
 - c. Investigate the cause and, if necessary, take corrective action including, but not limited to, re-sampling and re-analysis;
 - d. Perform a trend analysis;
 - e. Modify procedures or work practices that contributed to the circumstances resulting in the release, if necessary;
 - f. Monitor the sample location; and
 - g. Document the findings and produce a report which contains an analysis on whether remediation is necessary within 14 days of verification of the analytical results.
- 3) The Licensee shall follow-up with a written report within 30 days which, in addition to the immediate notification information, shall include:

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- a. determination, as to the amount of radioactive material released, likely sources of radioactive releases, possible location(s), size, and cause of any radioactive releases, and short-term actions taken and planned;
 - b. determine to the extent practicable the location, size, and cause of any radioactive releases;
 - c. determine whether any waste should be removed from the unit for inspection, repairs, or controls;
 - d. determine any other short-term and longer-term actions to be taken to mitigate or stop any effluent releases; and
 - e. the results of any remedial actions taken to date.
- 4) The licensee shall notify the Executive Director of any confirmed exceedance in the screening levels as stated in the most recent version that has been approved by the Executive Director of the document *Dose Compliance Methodology - Continuous Monitoring and Screening for External Radiation and Environmental Measurements in Air, Soil, and Groundwater at WCS*. Notification can be by letter or email.

K. The Licensee shall notify the Executive Director as soon as practicable upon knowledge of a possible exceedance of an environmental investigative and/or action level.

93. Reserved.

94. Reserved.

95. Reserved.

96. The Licensee shall perform quarterly gauging and recording of the following 180-foot zone wells for the presence of groundwater (above the lower confining unit): MW-11A1; MW-11B1; MW-11C1; TP-21; TP-22; TP-26; TP-56; TP-60; and TP-61(see Figure 5-2 of the renewal application, volume 8). Data collected from these wells shall be reported in accordance with License Condition 47.B.(1). The Licensee shall submit corresponding quarterly reports to the Executive Director and include any data in an electronic format.

97. The Licensee shall institute and maintain OAG formation monitoring, and report to the Executive Director as follows:

- A. In the event that the 125-foot zone indicates a release beneath the BMDF, installation and monitoring of wells in the 180-foot zone must occur. This would follow Executive Director's approval of a proposed monitoring plan, submitted within 90 days of release detection.
- B. The Licensee shall integrate all of the available OAG formation and top of Dockum formation data to demonstrate that the original cap/cover drainage design remains appropriate to comply with the performance objectives and submit this evaluation to the Executive Director. The evaluation shall include, at a minimum, 3-D modeling of the current top of Dockum surface and any drainage flow paths of that surface that will be disrupted by construction of the cap/cover system and any adjacent construction activities adjacent to the BMDF. The cap/cover system design shall be re-evaluated and reported annually along with the Annual Environmental Monitoring Report to incorporate new data acquired by the ongoing monitoring program and to account for the number of disposal cells subject to closure.

98. Reserved.

99. As the installation of final cover is completed, the Licensee must install settlement monitors on a 50 yard by 50 yard grid on the disposal facility final cover to allow monitoring of settlement. The location and elevations of these monitors and their respective benchmarks shall be surveyed by a

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Texas Registered Professional Land Surveyor. Their location and elevations must be reported to at least the nearest 0.01 foot. Settlement reports (data and plots) sealed by a Texas Registered Professional Land Surveyor must be submitted to the Executive Director on a quarterly basis once a monitor is established.

100. Closure Requirements

- A. The Licensee shall complete closure of the by-product material disposal cell(s) as expeditiously as practicable, considering technological feasibility, in accordance with the Closure Plan submitted with the renewal application dated May 23, 2018.
- B. Prior to requesting termination of this license, the Licensee shall complete monumentation of the BMDF. The monument shall bear an inscription similar to the following:

WASTE CONTROL SPECIALISTS LLC BY-PRODUCT MATERIAL DISPOSAL SITE
 XXX ACRES CONTAIN BY-PRODUCT MATERIAL
 DATE OF CLOSURE: XXX
 TONS OF CONTAINED BY-PRODUCT MATERIAL: XXX
 CURIES/BECQUERELS OF CONTAINED RADIOACTIVITY: XXX
 DO NOT DISTURB
 SITE CONTAINS BURIED RADIOACTIVE BY-PRODUCT MATERIAL
 CONTACT TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 XXX = Information to be provided by Licensee

101. All written submissions to the Executive Director as required by this license shall be made to the following:

- A. For submissions by U. S. Postal Service:

Attn: Ashley Forbes, Director
 Radioactive Materials Division
 Texas Commission on Environmental Quality
 Mail Code – 233
 P. O. Box 13087
 Austin, Texas 78711-3087

- B. For Submissions by facsimile transmission, the transmission should be addressed to the attention of the Radioactive Materials Section, Radioactive Materials Division and sent to the following number: (512) 239-6464
- C. For submission of portable document file (pdf) documents by electronic mail, address to the following:

Ashley.Forbes@tceq.texas.gov

102. Except as specifically provided otherwise by this license, the Licensee shall manage the radioactive material authorized by this license in accordance with statements and representations contained in the following:

Application dated: May 23, 2018 (received May 31, 2018) and revised sections to the renewal application dated July 12, 2018; and

Letter dated: May 14, 2019.

If there is a conflict between a condition of this license, statements contained in the application materials, applicable provisions of Title 30 of TAC, the most stringent provision shall prevail.

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Date: September 15, 2020

A handwritten signature in black ink, appearing to read "T. G. Baker", written in a cursive style.

For the Commission