



ENVIRONMENTAL MANAGEMENT AND CONTROLS, INC.

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

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

September 28, 2012

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

RE: Application

Dear Ms. Ing:

This letter is to clarify that our request for cubic footage and curie content is from our generators in California: Point Loma along with Kansas and Maryland.

Sincerely,

Gaye Nelson
Manager
EMC/TGA

APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL RADIOACTIVE WASTE

(NOTE: PURSUANT TO TEXAS HEALTH AND SAFETY CODE, §401.207(j), THIS APPLICATION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE OR THE GENERATOR OF THE WASTE UNLESS THE GENERATOR IS A SMALL GENERATOR AS DEFINED IN 31 TAC §675.23(o), IN WHICH CASE THE APPLICATION MAY BE SUBMITTED BY AN APPROPRIATELY LICENSED BROKER)

1. Applicant Information:

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

Is Applicant:

- Generator
- x A Broker who is a: x Licensed Waste Processor
x Licensed Waste Collector
- Department of Defense

Notes:

(1) An appropriately licensed Broker may act on behalf of a Small Generator only if each such generator is identified and written authorization from each such generator is provided as an attachment hereto.

(2) While Department of Defense Regulation 4715.6-R designates the Department of the Army as Executive Agent for disposal of low-level radioactive waste, the Commission will require that any agreement that it enters into in this regard be signed by both the Department of the Army as Executive Agent and the branch of the military that has generated the waste.

Generator Type: Industrial
 Academic/Research
 Medical
 Utility
 Government

Is Applicant the entity responsible for the waste shipment? yes no

If no, please include the name and contact information for the entity responsible for the waste shipment.

Is Waste from a "Small Generator"? yes no

2. Term/Duration from Date of Approval: 1 year (10/1/12-10/1/13)

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 15 ft³

Waste Radioactivity in Curies 0.3 Ci

Place of origination (State) of waste: CA/MO/KS/MD

Waste description: Sealed Sources

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

Waste form: stable unstable

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

C-14 0.001millicuries (mCi)

Tc-99 0.0 microcuries (uCi)

I-129 0.243 nanocuries (nCi)

Depleted Uranium 0.000001 microcuries (uCi)

Concentration _____ (provide units)

Source of generation

Research

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.

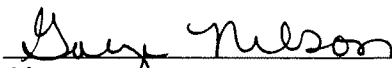
- a. The information provided herein is complete, accurate and correct.
- b. The low-level radioactive waste for which this Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.
- c. The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

9/28/12
Date

ATTACHMENTS:

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

(2) Annex B.

Figure: 31 TAC §675.23(f)(2)

Annex B
Texas Low Level Radioactive Waste Disposal
Compact Commission

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

This Agreement for Importation of Nonparty Low Level Radioactive Waste ("Agreement") is dated _____, 20____, by and between Thomas Gray & Associates/Environmental Management & Controls ("Generator") and the Texas Low Level Radioactive Waste Disposal Compact Commission ("Commission") (collectively the "Parties").

I. **RECITALS**

WHEREAS Texas is the host state for the Texas Low Level Radioactive Waste Disposal Compact ("Compact"), which requires the state to develop a facility for the disposal of low level radioactive waste generated within the Compact's party states; and

WHEREAS in compliance with the Compact and with state law, the Texas Commission on Environmental Quality ("TCEQ") issued a license to Waste Control Specialists LLC ("Compact Facility Operator") to construct and operate a Compact Waste Disposal Facility ("Compact Facility") in Andrews, Texas for the disposal of low level radioactive waste for the Compact; and

WHEREAS the Texas Legislature has authorized the Compact Facility Operator to accept for disposal at the Compact Facility low level radioactive waste from waste generators located outside of the Compact party states in accordance with the Compact Facility license and to the extent the acceptance of such imported waste does not diminish the disposal volume or curie capacity available to Compact party states; and

WHEREAS Chapter 403, Section 3.05(6) of the Texas Health and Safety Code authorizes the Commission to enter into an agreement with any person, state, regional body, or group of states for the importation of low level radioactive waste into the Compact for management or disposal, provided that the agreement receives a majority vote of the Commission; and

WHEREAS the Texas Legislature has established additional terms and conditions in Chapter 401 of the Texas Health and Safety Code that if satisfied ensure that the importation of low level radioactive waste will be in the State's public interest; and

WHEREAS Generator has filed an Application for Importation of Nonparty Low Level Radioactive Waste ("Application") with the Commission; and

WHEREAS the Commission has processed and considered Generators' Application in accordance with applicable requirements, and a majority of the members of the Commission approved the Application and voted to enter into this Agreement; and

WHEREAS in voting to approve Generator's Application and to enter into 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 15 ft³

Waste Radioactivity in Curies 0.3 Curie

Place of origination (State) of waste CA/MD/KS/MO/

Waste description Sealed Sources

Waste Class Class B & Class C

Waste form Stable

C14: 0.001 mCi, Tc99: 0 mCi, I129: 0.243 nCi

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Generator:

By: Gay Nelson
Name

Manager
Title

TEXAS LOW LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

By: _____
Name

Title

PETITION FOR EXPORTATION OF LOW-LEVEL RADIOACTIVE WASTE (LLRW) TO WASTE CONTROL SPECIALISTS, LLC (WCS) FACILITY, ANDREWS, TEXAS

November 1, 2011 through December 31, 2012

Pursuant to the exportation provisions of the Southwestern LLRW Disposal Compact Consent Act (Public Law 100-712, Article VI, Subdivision (A), and Article III, Subdivision (G) (20)),

Generator's Name: Naval Medical Center, 34800 Bob Wilson Dr, San Diego, CA 92134 Assigned Name and Code: Assigned by Southwest Commission
Address: HQ, Joint Munitions Command; ATTN AMSJM-SF; Rock Island, IL 61299-6000

JMC Project Number: USN 2012-011

hereby petitions the Southwestern LLRW Commission (Commission) to authorize the Petitioner's exportation of LLRW to the licensed WCS facility near Andrews, Texas. Petitioner certifies LLRW exported for disposal will meet waste acceptance criteria promulgated by the Texas Commission on Environmental Quality (TCEQ) in the license (R04100, as amended) issued by TCEQ to WCS. For purposes of this petition, LLRW has the same definition as exists in the LLRW Policy Amendments Act of 1985 (Public Law No. 99-240) or the Southwestern LLRW Disposal Compact Consent Act.

A. The Commission, upon approval, grants Petitioner the authority petitioned for, subject to the following terms and conditions:

1. The Petitioner is to use the name and code, as assigned on this form, above, on all manifests.
2. The Petitioner shall comply with the requirements of Texas Administrative Code 31 TAC Sec. 675.23, as amended.
3. The Petitioner shall comply with LLRW Disposal Requirements of Texas Commission on Environmental Quality (TCEQ) and Texas Dept. of State Health Services (as described in TCEQ Document entitled "Waste Generator Disposal Guide").
4. The exercise of this right to export shall terminate on December 31, 2012 or the date the Southwestern Compact's regional disposal facility begins operations, whichever is earlier.
5. The Commission has no authority and assumes no responsibility for the licensing and operation of the WCS facility. The Commission makes no representations regarding the environmental condition of the WCS facility.
6. The Petitioner is under no obligation to use the licensed WCS facility near Andrews, Texas, and is doing so at Petitioner's own risk as an option of choice
7. **Petitioner agrees to submit to the Commission, no later than, June 30, 2013, a report of the waste class, volume in cu.ft. and radioactivity in curies of all disposals under this petition. If the waste is exported for processing and then disposed of as the processor's waste, the report need not specify the volume and radioactivity. Petitioner understands that failure to submit the report is grounds for the Southwest Commission to withdraw approval and to deny future petitions.**

B. Petitioner is to list, below, the characteristics of low-level radioactive waste to be exported. This includes (but is not limited to) waste classification, volume in cu.ft., radioactivity in curies, waste description & form and place of origination of waste (State).

7.5 cubic feet Sealed sources

C. FEE (Choose)

1. **Class A Waste:** For 150 cu.ft. or less: \$225. Volumes of 151 cu.ft. to 40,000 cu.ft. is: \$1.50 per cu.ft. Volumes greater than 40,000 cu.ft. is: \$60,000 plus \$0.10 per cubic foot for that volume above 40,000 cubic feet
2. **Class B or C Waste** has a flat rate fee of \$225.00.

GENERATOR REQUESTING PETITION: RML# _____

By: Stephanie Christie
[print name]

Stephanie A. Christie
[Generator's signature]

Title: Director, Safety/Rad Waste Directorate

Date: October 5, 2012

Contact Person: Judy Woodson

Title: Health Physicist

(309) 782-2133

Generator Phone:

(309) 782-2988

Generator FAX:

usarmy.ria.jmc.mail.army-amc-org-jmc-amsjm-sf@mail.mil

Generator E-Mail

Name of proposed Broker: Thomas Dias

Processor: Environmental Management Controls

PETITION APPROVED / DISAPPROVED- _____

Date _____

SWC-WCS-12- _____

Kathy A. Davis, Executive Director, for the Southwestern LLRW Commission Compact
1731 Howe Ave #611, Sacramento CA 95825 Phone (916) 448 2390 FAX (916) 720 0144 kathydavis@swllrcc.org

Central Interstate Low-Level Radioactive Waste Commission

Authorization to Export Waste

Boeing Wichita
Wichita, Kansas

is hereby authorized by the Central Interstate Low-Level Radioactive Waste Commission to export low-level radioactive waste outside the region, if such shipment of waste is otherwise lawful. Such authorization is for the period July 1, 2012 to June 30, 2013. This authorization by the Commission relates only to the requirements of the Central Interstate Low-Level Radioactive Waste Commission, and in no way affects any other requirement, liabilities, and responsibilities that may be applicable under any other state and federal laws and regulations.

This 4th day of October, 2012.



Rita Houskie
Administrator



July 23, 2012

To the Texas Low-Level Radioactive Waste Compact Commission,

BOEING SPACE +
Intelligence Systems (Company Name), would like to use Thomas Gray &
Associates/Environmental Management & Controls as our broker and processor for disposal of our
sealed sources at Waste Controls Specialists.

Thank you,

Mark Bin Env. Specialist
Authorized Company Representative & Title

February 10, 2012

To the Texas Low-Level Radioactive Waste Compact Commission

US Army

Joint Munitions Cmd (Company Name), would like to use Thomas Gray & Associates/Environmental Management & Controls as our broker & processor for disposal of our sealed sources at Waste Controls Specialists.

Thank you



Chief, Rad Waste Division

Safety / Rad Waste Directorate

Authorized Company Representative & Title

numerous licenses depending upon state

Point Loma, CA

Sealed source activities:

Am241	0.002234 mCi
Ba133	0.02 mCi
C14	0.001 mCi
Co57	0.070429 mCi
Co60	0.00049 mCi
Cs137	20.0455 mCi
H3	218.433 mCi
I129	0.000000243 mCi
Na22	0.16 mCi
Ni63	14.428 mCi
Np237	0.239998 mCi
Ra226	0.063 mCi
Th230	0.01065 mCi
Th232	0.082 mCi
U238	0.002 mCi