

1 RULES OF THE COMMISSION RELATING TO REQUESTS FOR
2 AUTHORIZATION TO EXPORT WASTE
3 POLICY STATEMENT
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6 To fulfill its duties and responsibilities as established by the Compact Law and
7 the Low-Level Radioactive Waste Policy Amendments of the 1985
8 (Public law 99-240), the Commission requires a funding level greater than that
9 provided by the annual State appropriations to the Commission as established in
10 Article IV, Section h of Compact Law. While this provisions discusses State
11 funding for the Commission, it does not limit the Commission in pursuing
12 methods of funding other than that established in Article IV, Section h. Article
13 IV, Section m.9., authorizes the Commission to, "Take such action as may be
14 necessary to perform its duties and functions as provided in this compact."
15

16 In order to generate funds sufficient to meet the administrative responsibilities of
17 the Commission to provide within this region a regional disposal facility with
18 sufficient capacity to manage all the waste generated within the region, the
19 Commission under the authority granted it by Article III, Article IV, Article V
20 and Article VI of the Compact, hereby establishes the policy that there shall be an
21 application fee for any person making application to the Commission for
22 authorization to export waste generated within this region for disposal.
23

24 For the purpose of this policy and during the time that this Commission does not
25 have its own regional disposal facility, Commission authorization does not affect
26 the low-level radioactive waste generators ability or responsibility to adhere to
27 and follow Federal or State laws, rules or regulations regarding low-level
28 radioactive waste management, packaging and shipping.

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Funds received for such application fees shall be used for the purpose of processing the applications, issuing certificates and conducting various and necessary programs as identified and approved in the Annual Budget of the Commission by the Commissioners at the Annual Meeting of the Commission, and as modified as necessary by the Commission. The amount of such application fee shall be set by the Commission each year and assessed on a fiscal year basis.

In order to carry out its responsibilities relating to Articles III, IV and VI of the Act, the Commission adopts the following rule of the Commission relating to the request for authorization to export waste.

Adopted June 21, 1994

1 date of the application, the Commission will issue a notice of revocation of
2 the export permit to the applicant and to each of the known low-level
3 radioactive waste disposal and processing facilities, and will neither
4 reinstate the export permit nor consider granting the applicant any new
5 export permit until all obligations of the applicant are fully satisfied.

6

7 1.4 APPROVAL

8 The Commission shall approve or deny at any Annual meeting, Regular
9 Meeting, Special Meeting, Emergency Meeting or Telephone Conference,
10 any application for the exportation of low-level radioactive waste from the
11 Compact region.

12 Each application shall be considered utilizing the following standards:

13

14 (1) Eligibility of the llrw is determinable from the representation on the
15 Application form.

16

17 (2) All information requested on the Application form is provided.

18

19 (3) Any other relevant information in addition to the application
20 requested by the Commission has been provided and resolves any
21 issues of eligibility of waste.

22

23 1.5 AGREEMENTS TO EXPORT

24 Nothing in this Rule shall limit the authority of the Commission to enter
25 into agreements with the United States, other regional Compacts, or
26 individual states for the exportation or management of waste.

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28 Adopted 1/31/86, Amended 6/8/87, 6/30/92, 6/29/93, 6/21/94, June 13, 2001.

29

FORM A

APPLICATION FOR **NON-FEDERAL FACILITIES** TO EXPORT LOW-LEVEL
RADIOACTIVE WASTE FROM THE CENTRAL INTERSTATE LOW-
LEVEL RADIOACTIVE WASTE COMPACT REGION

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1. Name of Company, _____
Facility
or Agency: _____

2. Mailing Address: _____

3. Person to be
contacted _____
concerning
this application: Title _____

Telephone Number: _____

4. Person responsible _____
for waste
Management: Title _____

Telephone Number _____

5. Location of facility _____
where waste
is generated: _____

6. Year for which application is made: July 1, _____ to June 30, _____.
_____ not applicable.

7. Total volume of llrw projected to be exported for disposal during the
time for which this application is made: _____ ft³.

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8. The Commission has adopted the following application fee schedule for the fiscal year 2007 - 2008:

<u>MAJOR GENERATOR -</u>	
Utility Company or 1001 Cubic Feet or greater	\$ 4,000.00
<u>LARGE GENERATOR -</u>	
501 - 1000 Cubic Feet	\$ 1,050.00
<u>SMALL GENERATOR -</u>	
500 Cubic Feet or less	\$ 75.00
<u>VERY SMALL GENERATOR / Occasional Shipper-</u>	
50 Cubic Feet or less, and only once every three years	\$ 50.00

9. The amount of fee to be submitted with this application \$_____. Checks should be made payable to "Central Interstate Low-Level Radioactive Waste Commission

The requirements of this application and any authorization issued as a result of this application relate only to the requirements of and authority of the Central Interstate Low-Level Radioactive Waste Commission established by the Central Interstate Low-Level Radioactive Waste Compact. Applicants are not relieved of any other responsibilities or liabilities arising under any state and federal laws and regulations.

_____ I hereby certify that to the best of my knowledge the information provided herein is accurate and correct and that the low-level radioactive waste for which this export authorization is expected will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the intended facilities.

_____ I hereby certify to the best of my knowledge, this company/facility or agency will not export radioactive wastes which are subject to Central Interstate Compact export authorization requirements without obtaining such authorization.

_____ I hereby certify that I am authorized by my company, facility, or agency to commit it to each and every obligation and condition set forth herein.

Date:_____ By:_____.

Title:_____.

For Commission use: Approved Disapproved

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By: _____ Date: _____.

Title: _____.

Adopted 6/21/94, Amended 6/15/95, 6/26/96, 6/25/97, 6/17/98, 6/9/99, 6/7/00,
6/13/01, 6/4/02, 6/25/03, 6/8/04, 6/29/05, 6/21/06, June 20,2007

FORM B

APPLICATION FOR **FEDERAL FACILITIES** TO EXPORT LOW-LEVEL
RADIOACTIVE WASTE FROM THE CENTRAL INTERSTATE LOW-
LEVEL RADIOACTIVE WASTE COMPACT REGION

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1. Name of Company, _____.
Facility
or Agency: _____.

2. Mailing Address: _____

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3. Person to be
contacted _____.
concerning
this application: Title _____.
Telephone Number: _____.

4. Person responsible _____
for waste
Management: Title _____.
Telephone Number _____.

5. Location of facility _____
where waste
is generated: _____.

6. Year for which application is made: July 1, _____ to June 30, _____.
_____ not applicable.

7. Total volume of llrw projected to be exported for disposal during the
time for which this application is made: _____ ft³.

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8. The Commission has adopted the following application fee schedule for the fiscal year 2006-2007:

<u>MAJOR GENERATOR -</u>	
Utility Company or 1001 Cubic Feet or greater	\$ 4,000.00
<u>LARGE GENERATOR -</u>	
501 - 1000 Cubic Feet	\$ 1,050.00
<u>SMALL GENERATOR -</u>	
500 Cubic Feet or less	\$ 75.00
<u>VERY SMALL GENERATOR / Occasional Shipper-</u>	
50 Cubic Feet or less, and only once every three years	\$ 50.00

9. The amount of fee to be submitted with this application \$_____. Checks should be made payable to "Central Interstate Low-Level Radioactive Waste Commission".

The requirements of this application and any authorization issued as a result of this application relate only to the requirements of and authority of the Central Interstate Low-Level Radioactive Waste Commission established by the Central Interstate Low-Level Radioactive Waste Compact. Applicants are not relieved of any other responsibilities or liabilities arising under any state and federal laws and regulations.

_____ I hereby certify that to the best of my knowledge the information provided herein is accurate and correct and that the low-level radioactive waste for which this export authorization is expected will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the intended facilities. I also certify that the waste for which export authorization is requested is not:

1. **owned or generated by the U.S. Department of Energy;**
2. **owned or generated by the U.S. Navy as a result of the decommission of vessels of the U.S. Navy or**
3. **owned or generated as a result of any research, development testing or production of any atomic weapon.**

_____ I hereby certify to the best of my knowledge, this company/facility or agency will not export radioactive wastes which are subject to Central Interstate Compact export authorization requirements without obtaining such authorization.

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Date: _____ By: _____.

Title: _____.

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For Commission use: **Approved** **Disapproved**

Reason:

By: _____ Date: _____.

Title: _____.

Adopted 6/21/94, Amended 6/15/95, 6/26/96, 6/25/97, 6/17/98, 6/9/99, 6/7/00,
6/13/01, 6/4/02, 6/25/03, 6/8/04, 6/29/05, 6/21/06, June 20,2007

RULE 2

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Adopted June 30, 1992, Amended 6/30/92, 6/29/93
Repealed June 21, 1994

1 3.4 CONSIDERATION OF VOLUNTEER APPLICATION BY THE
2 COMMISSION

3 Applications to volunteer shall be transmitted to the Commission's
4 Executive Director. Upon receipt of an application to volunteer, the
5 Executive Director shall transmit a copy of the application to each
6 Commission member. The Chairman shall designate a time period for a
7 review of the application and shall call a meeting to consider the state's
8 application. In no event shall the review period for the application be less
9 than 45 days.

10
11 The Commission shall review the application to volunteer in the same
12 manner as it would review any application to develop a regional facility.

13
14 The Commission shall determine the sufficiency of the application, and
15 may request further information from the state prior to rendering a
16 decision on the application.

17
18 If the Commission receives an application to volunteer from a party state
19 during the time the Commission is reviewing proposals to develop a
20 regional facility pursuant to Article V, section b. of the Compact, the
21 Commission may suspend the consideration of such proposals until a
22 determination has been made regarding the application to volunteer. If
23 the Commission acts favorably on an application to volunteer under these
24 circumstances, the Commission may continue with the public bid process
25 if the volunteer state so desires, or may determine that public bids are not
26 required and abandon the selection of a private developer and return any
27 application fee paid to the Commission, or take such other action as it
28 deems appropriate to fulfill its responsibilities.

1 3.5 FAILURE TO VOLUNTEER OR APPLICATION TO VOLUNTEER
2 UNACCEPTABLE

3 If no state volunteers to serve as a host for a regional facility prior to the
4 date set by the Commission for the closing of the public bid process, the
5 Commission shall proceed with the selection of a developer for the
6 regional facility pursuant to Article V of the Compact.

7
8 If the Commission receives an application to volunteer from a party state
9 or states and such application or applications are determined to be
10 unacceptable by the Commission, the Commission shall pursuant to
11 Article V, section b. of the Compact, publicly seek applicants to develop
12 and operate a regional facility.

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28 Adopted: November 18, 1986

1 the Host State surcharge funds held by the Commission if the Commission
2 finds that the proposed expenditure(s) of the Host State meet the purposes
3 described in this rule. The initial disbursement on or about July 1 shall be
4 for 25% of the annual amount approved. The remainder of the
5 disbursement shall be transferred on a quarterly basis to the host state
6 commencing October 1. In deciding whether or not to approve any such
7 Host State request, the Commission may consider:

- 8 (1) the adequacy and completeness of prior accounting for and actual
9 expenditures of such surcharge rebate funds;
- 10 (2) the amount of surcharge rebate funds still held and unspent by the
11 member state from prior disbursement of such funds;
- 12 (3) the availability to the member state of funding for proposed uses
13 through alternative sources, including reimbursements, fees, or
14 surcharges collected by the Host State from license applicants, State
15 appropriations, or federal funds;
- 16 (4) the consistency of the proposed uses with the limitations and
17 requirements of this rule and federal law; and
- 18 (5) any competing needs of the Commission consistent with said
19 federal statutory requirements, those being the following purposes:
 - 20 (i) to establish low-level radioactive waste disposal facilities;
 - 21 (ii) to mitigate the impact of low-level radioactive waste
22 disposal facilities on the host state;
 - 23 (iii) to regulate low-level radioactive waste disposal facilities; or
 - 24 (iv) to insure the decommissioning, closure and care during the
25 period of institutional control of low-level radioactive waste
26 disposal facilities.

1 A.1 USES OF FUNDS BY MEMBER STATE

2 Any member state requesting funds from the Commission pursuant to
3 this Rule, shall request and, if granted, use such funds only for the
4 purposes associated with locating and licensing a regional waste
5 management facility and/or a regional waste minimization program.
6 Such use of funds may include, but not be limited to, the conduct of
7 geological and technical studies relating to the siting of such a facility,
8 the employment of technical staff and/or contractors for the purpose
9 of reviewing a license application, a public outreach program related
10 to the location of such a facility and those tasks associated with the
11 review of a license application.

12
13 B. ACCOUNTING, REPORTING AND AUDITING

14 The Host State shall keep separate financial records to account for all
15 receipts, expenditures, and all other transactions involving use of the
16 surcharge rebate funds. Such records together with all contracts and
17 documentation supporting the accounting transactions, shall at all times
18 be subject to inspection by the Commission with 5 business days advance
19 notice.

20
21 The Host State shall, within 30 days after the close of each calendar
22 quarter, file with the Commission a financial report in reasonable detail of
23 all receipts and expenditures of all direct and indirect use of the surcharge
24 rebate funds and all transactions involving the surcharge rebate funds.

25 The financial report will contain sufficient detail to identify: (1) personnel
26 costs, including the identification, the nature of the task or work
27 performed, the number of hours worked, (2) any travel, lodging, or
28 conference expenses of personnel using any surcharge rebate funds, (3)

1 operating expenses, (4) capital outlays, (5) the exact identification of all
2 other expenditures or uses of the surcharge rebate funds, and (6) any
3 contractual commitments, including a copy of the contract with all
4 amendments, and a narrative status of each contract, including the total
5 amount of the contract, any related contractual payments and the
6 remaining obligation to date of the report.

7
8 The financial report of the use of the surcharge rebate funds will present
9 the fund balance at the beginning of the reporting period, all revenue and
10 expenses during the reporting period, and the fund balance, at the end of
11 the reporting period.

12
13 The Host State may encumber sufficient surcharge rebate funds in its
14 possession to cover incurred year-end expenses not paid by June 30 but
15 due and payable within the next 30 days. Within 30 days after the end of
16 the fiscal year, the Host State shall return to the Commission all surcharge
17 rebate funds not expended nor so encumbered as an unexpended balance.

18
19 For Commission purposes, on an annual basis, the Host State financial
20 report will be prepared and submitted in the same level of detail
21 described above, shall be subject to audit procedures, and reported
22 thereon by an independent certified public accountant. The Host State
23 shall annually, within 90 days after the close of each fiscal year, file with
24 the Commission a copy of the Host State's annual financial report,
25 accompanied by the audit report of the independent certified public
26 accountant. If the Host State does not elect to use the services of an
27 independent certified public accountant for the purposes of submitting to
28 the Commission an annual audited financial report, then the Commission

1 shall obtain the services of an independent certified public accountant in
2 place of the Host State's accountant for the same reporting purposes. The
3 Commission shall use the services of an independent certified public
4 accountant for the Host State financial report, and the cost shall first come
5 from the Host State's surcharge rebate funds then, if necessary, from
6 surcharge rebate funds held by the Commission.

7
8 The certified public accountant's audit report(s) shall address the Host
9 State's compliance with Commission Rule 4 governing the nature or
10 purpose for which funds may be expended or applied. The Host State
11 shall promptly, within 60 days of Commission determination, remit to the
12 Commission from state funds (non-surcharge rebate funds) the amount of
13 any funds expended for purposes which do not comply with Commission
14 Rule 4, as determined by the Commission, after review and consideration
15 of the audit report.

16
17 For Department of Energy purposes, annually on December 31st of each
18 year, any member state that has received surcharge rebate funds pursuant
19 to Rule 4, shall make a full and complete reporting to the Commission on
20 Department of Energy forms of the use of those funds during the previous
21 calendar year. These reports shall be made for purposes of complying
22 with U.S. Department of Energy requirements.

23
24 4.3 IMPROPER EXPENDITURES

25 Any member may challenge the legitimacy of any expense submitted by a
26 state receiving funds under Rule 4. If such a challenge arises, the
27 Commission shall at a special meeting determine the sufficiency of the
28 challenge, and issue a ruling concerning the legitimacy of the expenditure.

1 The Commission may request any documentation required to make an
2 informed decision and any state requested to provide documentation shall
3 submit such documentation.

4
5 If the Commission finds that an expenditure is not legitimate, the
6 Commission may rule that the offending state must repay the entire
7 amount of such expenditure or a portion thereof. Failure by such state to
8 repay in accordance with a ruling of the Commission, shall place the state
9 in a position of being found in violation of its duty to perform its
10 obligation under the terms of the Compact.

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Adopted 4-24-87, Amended 6-8-87, Amended June 15, 1995

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RULE 6

RELATING TO SITE SELECTION

6.1 GENERAL

Any developer selected by the Commission to develop a regional facility shall work with individual locations within the member states, and their geological surveys to identify geologic locations at which a facility or facilities could be located in such state. Such developer is not limited in collecting information or to consideration of any site within the five-state region. Specifically, the developer is not limited to examining any area that may have been identified in any screening study previously conducted on behalf of the Commission. The developer shall conduct complete site specific analyses separate and distinct from any previously done on behalf of the Commission.

Adopted April 24, 1987

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RULE 7

RELATING TO THE ACCEPTANCE OF WASTE

7.1 URANIUM CONVERSION FACILITY WASTE

When a party state becomes the host state for a regional facility, such facility will not be designed for, nor will it accept storage, treatment, or disposal, any raffinate or calcium fluoride radioactive by-product material generated by a uranium conversion facility.

1 RULE 8

2 RELATING TO ASSESSMENT OF FEES FOR FUNDING COSTS

3 ASSOCIATED WITH DEVELOPING A CONTRACT BETWEEN

4 THE COMMISSION AND U.S. ECOLOGY

5 8.1 GENERAL

6 At its meeting on June 29, 1987, the Commission authorized the hiring of
7 independent counsel to proceed with contract negotiations between the
8 Commission and US Ecology. While the Commission did not specify the
9 manner in which funds would be obtained to pay for services of the
10 independent counsel, the intent was that each state would independently
11 secure funds in the amount of \$40,000 for the payment of counsel. The
12 purpose of this Rule is to specify the manner in which such funds may be
13 raised and authorize the assessment of such against generators of waste.

14
15 8.2 ASSESSMENT OF FEES

16 The Executive Director is hereby authorized and directed by the
17 Commission if the state so chooses and, upon written direction from each
18 state's Commissioner, to assess its portion of the "funds for counsel"
19 against those generators of waste within each state that shipped for
20 disposal at least 2,000 cubic feet of waste during the 1986 calendar year.
21 Such assessment shall be on a pro rata basis, and as provided in 8.1.

22
23 8.3 LIMITATIONS

24 This Rule shall be applicable only for the assessment of fees to pay for the
25 costs incurred by the Commission in hiring independent counsel to
26 negotiate an agreement with US Ecology to construct and operate a
27 regional facility.

28 Adopted September 22, 1987

1 contribute its \$75,000 share for payment to the Nebraska Community
2 Improvements Cash Fund.

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4 9.3 LIMITATIONS

5 This rule shall be applicable only for the assessment of fees to pay for the
6 costs associated with the obligation of the Commission to pay into the
7 Nebraska Community Improvements Cash Fund.

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28 Adopted 11/4/88, Amended: 6/20/89, 7/30/90, 1/17/92, June 30, 1992

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1 Funds received for such shall be used for the purposes the Commission
2 determines are necessary to the ultimate development of a regional disposal
3 facility. The amount of such fees shall be set by the Commission at its annual
4 meeting and collected on a fiscal year basis, but may be modified as necessary by
5 the Commission.

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7 In order to carry out its responsibilities relating to Articles III, IV V and VI of the
8 Act, the Commission adopts the following rule of the Commission relating to the
9 report of waste generated for disposal.

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28 Adopted June 21, 1994

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- 1 (2) All information requested on the report form is provided.
- 2 (3) Any other relevant information in addition to the report requested
- 3 by the Commission has been provided and resolves any issue of
- 4 eligibility.

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28 Adopted: June 21, 1994

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FORM C

REPORT OF **NON-FEDERAL** LOW-LEVEL RADIOACTIVE WASTE
GENERATED FOR DISPOSAL WITHIN THE CENTRAL INTERSTATE
LOW-LEVEL RADIOACTIVE WASTE COMPACT REGION

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1. Name of Company, _____.
Facility
or Agency: _____.

2. Mailing Address: _____.

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3. Person to be
contacted _____.
concerning
this report: Title _____.
Telephone Number: _____.

4. Person responsible _____.
for waste
Management: Title _____.
Telephone Number _____.

5. Location of facility _____.
where waste
is generated: _____.

6. Year for which report is made: July 1, 19____ to June 30, 19____.
_____ not applicable.

1 7. Actual total volume of llrw generated during previous CIC fiscal year
2 (July 1 - June 30) which is intended for eventual disposal at a licensed llrw
3 disposal facility: _____ft³.

4 8. Adjustments to fee paid for previous CIC fiscal year:

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6 a. Additional fees owed: \$ _____.

7 b. Refund which the CIC owes: \$ _____.

8 9. Total volume of llrw projected to be generated during CIC fiscal year for
9 which disposal will be required and for which this report is submitted and
10 which is intended for eventual disposal at a licensed facility: _____ft³.

11 10. The Commission has adopted the following report administration fee
12 schedule for the fiscal year 1995-1996:

13

<u>Cubic Feet</u>	<u>Fee</u>
less than 500	\$ 800.00
500-1000	3,400.00
1001-2000	14,000.00
Greater than 2000	90,000.00

19 Please enclose a check made payable to "Central Interstate Low-Level
20 Radioactive Waste Commission" for the applicable fee based on the llrw
21 volume entered in 9 above.

22

23 11. Total amount of fee due and submitted with this report \$ _____.

24

25 The requirements of this report relate only to the requirements of and the
26 authority of the Central Interstate Low-Level Radioactive Waste Compact.
27 Entities preparing this report are not relieved of any other responsibilities
28 or liabilities arising under any state and federal laws and regulations.

29

1 _____ I hereby certify that to the best of my knowledge the information provided
2 herein is accurate and correct and that the low-level radioactive waste
3 reported herein will be managed in accordance with applicable state and
4 federal regulations and will be acceptable for disposal at a regional
5 disposal facility.

6
7 _____ I hereby certify that to the best of my knowledge, this company/facility or
8 agency will not generate radioactive wastes which are subject to Central
9 Interstate Compact reporting requirements without making such reports.

10
11 Date: _____ By: _____.

12
13 Title: _____.

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15 _____.

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17 **For Commission use:**

Approved

Disapproved

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19 Reason: _____.

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23 By: _____ Date: _____.

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25 Title: _____.

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32 Adopted 6/21/94, Amended June 15, 1995

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FORM D

REPORT OF **FEDERAL** LOW-LEVEL RADIOACTIVE WASTE GENERATED
FOR DISPOSAL WITHIN THE CENTRAL INTERSTATE LOW-LEVEL
RADIOACTIVE WASTE COMPACT REGION

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1. Name of Company, _____.
Facility
or Agency: _____.

2. Mailing Address: _____.

_____.

3. Person to be
contacted _____.
concerning
this report: Title _____.
Telephone Number: _____.

4. Person responsible _____.
for waste
Management: Title _____.
Telephone Number _____.

5. Location of facility _____.
where waste
is generated: _____.

6. Year for which report is made: July 1, 19____ to June 30, 19____.
_____not applicable.

1 7. Actual total volume of llrw generated during previous CIC fiscal year
2 (July 1 - June 30) which is intended for eventual disposal at a licensed llrw
3 disposal facility: _____ft³.

4 8. Adjustments to fee paid for previous CIC fiscal year:
5 a. Additional fees owed: \$ _____.
6 b. Refund which the CIC owes: \$ _____.

7 9. Total volume of llrw projected to be generated during CIC fiscal year for
8 which disposal will be required and for which this report is submitted and
9 which is intended for eventual disposal at a licensed facility: _____ft³.

10 10. The Commission has adopted the following report administration fee
11 schedule for the fiscal year 1995-1996:

<u>Cubic Feet</u>	<u>Fee</u>
less than 500	\$ 800.00
500-1000	3,400.00
1001-2000	14,000.00
Greater than 2000	90,000.00

18 Please enclose a check made payable to "Central Interstate Low-Level
19 Radioactive Waste Commission" for the applicable fee based on the llrw
20 volume entered in 9 above.

21
22 11. Total amount of fee due and submitted with this report \$ _____.
23 The requirements of this report relate only to the requirements of and the
24 authority of the Central Interstate Low-Level Radioactive Waste Compact.
25 Entities preparing this report are not relieved of any other responsibilities
26 or liabilities arising under any state and federal laws and regulations.

27
28 _____I hereby certify that to the best of my knowledge the information provided
29 herein is accurate and correct and that the low-level radioactive waste
30 reported herein will be managed in accordance with applicable state and

1 federal regulations and will be acceptable for disposal at a regional
2 disposal facility. I also certify that the waste included in this report is
3 requested is not:

4

- 5 **1. Owned or generated by the U.S. Department of Energy;**
- 6 **2. owned or generated by the U.S. Navy as a result of the**
7 **decommission of vessels of the U.S. Navy; or**
- 8 **3. owned or generated as a result of any research, development,**
9 **testing or production of any atomic weapon.**

10

11 _____ I hereby certify that to the best of my knowledge, this company/facility or
12 agency does not generate radioactive wastes which are subject to Central
13 Interstate reporting requirements without making such reports.

14

15

16 Date: _____ By: _____.

17

18 Title: _____.

19

20 _____.

21

22 **For Commission use:** **Approved** **Disapproved**

23

24 Reason: _____.

25

26 _____.

27

28 By: _____ Date: _____.

29

30 Title: _____.

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36 Adopted 6/21/94, Amended June 15, 1995

37

1 RULE 21

2 RELATING TO FILING A COURT ACTION

3 AGAINST THE COMMISSION

4 21.1 POLICY STATEMENT

5 Article IV, Section I., of the Compact provides that "Any person or party
6 state aggrieved by a final decision of the Commission may obtain judicial
7 review of such decisions in the United States District Court in the District
8 wherein the Commission maintains its headquarters by filing in such
9 court a petition for review within 60 days after the Commission's final
10 decision. Proceedings thereafter shall be in accordance with the rules of
11 procedure applicable in such a court." The purpose of this provision of
12 the Compact is to specify in which federal court an action against the
13 Commission may be brought. There is no question that jurisdiction for an
14 action against the Commission lies in the Federal District Courts. The
15 language contained in the Compact provides for the specific place where
16 an action may be properly instituted and the suit determined. This is
17 known as venue. As a matter of federal law and procedure, a court may
18 have jurisdiction but may lack proper venue. The Compact specifically
19 addressed venue in order to avoid what is commonly referred to as forum
20 shopping.

21
22 Unlike subject matter jurisdiction, venue is a privilege personal to each
23 defendant, which can be waived. Waiver of venue may be either specific
24 or implied by failure to timely object. The Commission recognizes that for
25 fairness and convenience, a party challenging a decision of the
26 Commission should be able to file such an action within each of the
27 member states. For the purpose of ensuring fairness to each of the

1 member states, the Commission has adopted this Rule pertaining to
2 waiver of venue.

3

4 21.2 SPECIFIC WAIVER OF VENUE

5 The Commission hereby specifically waives the right to have an action
6 against it filed only in the federal district court wherein the Commission's
7 headquarters is located. The Commission as a matter of policy, subjects
8 itself to venue within the federal district court for the
9 capital city of each of the member states in addition to the venue
10 specified in the Compact. The Commission reserves its right to object
11 to venue if an action is filed in any federal district court which is not
12 the proper federal district for the city wherein the Commission's
13 headquarters is located or the capital city of each of the member states.

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28 Adopted 6-8-87, Amended September 22, 1987

29

1 given notice in writing of the passage of such withdrawal legislation to the
2 Chairman of the Commission and to each Governor of each party state.

3
4 23.3 COMMISSION ACTION

5 Upon receiving notice that a party state has withdrawn from the Compact,
6 the Chairman shall within 30 days convene a special meeting of the
7 Commission. The withdrawing state shall be notified of the special
8 meeting, and shall have opportunity to explain its withdrawal. At such
9 special meeting of the Commission, the Commission may find that the
10 withdrawing state has failed to comply with the terms of the Compact,
11 and thereby has failed to fulfill its obligations thereunder. Upon such a
12 finding, the Chairman shall notify the Governor of the withdrawing state
13 that its membership in the Compact is revoked. The notification of
14 revocation shall state the reason for the revocation, and that the effective
15 date of the revocation is one year from the date the withdrawing state
16 receives written notice of the Commission's action. The revocation notice
17 shall also specify any and all penalties the Commission shall levy and
18 enforce against the state.

19
20 23.4 PENALTIES

21 Any party state withdrawing from the Compact or having been found to
22 have violated the terms of the Compact, and having its membership
23 revoked by the Commission, shall be subject to the following penalties.

- 24 a. Such state shall pay to the Commission \$125,000, which amount
25 shall represent the amount such state would have contributed to
26 the Commission's budget during the five year period.
- 27 b. Such state shall pay to the Commission an amount determined by
28 the Commission to be equal to the sum of money that such state's

1 waste generators would have contributed to the budget of the
2 Commission during the five year period.

- 3 c. Such state shall pay to the Commission an amount equal to any
4 rebate funds lost by the Commission for failure to meet milestones
5 specified in Public Law 99-240, if the Commission determines that
6 failure to meet the milestones is caused by the withdrawal and/or
7 revocation of such state.
- 8 d. If the withdrawing state, at the time of its withdrawal, is the host
9 for a regional facility such state shall continue to make the facility
10 available to the region's waste generators until such time that a new
11 regional facility is developed and operational. Under such
12 withdrawal circumstances, the Commission may also assess any
13 costs associated with the development of a new regional facility on
14 the state which has withdrawn and/or had its membership
15 revoked.
- 16 e. If the region has an operational regional waste facility at the time of
17 withdrawal and/or revocation, such state shall forfeit the rights of
18 its generators to use such facility.
- 19 f. If the withdrawal and/or revocation takes effect during a period
20 the region has an operational regional facility, the withdrawing
21 state shall pay to the Commission an amount equal to that which its
22 waste generators would have paid to the operator of such regional
23 facility in fees during the five year period subsequent to the
24 withdrawal and/or revocation. Such amount shall be based on
25 prior years use of the facility and projected waste volumes as
26 determined by the Commission.
- 27 g. Any state withdrawing from the Compact shall not be permitted to
28 rejoin the Compact at a later date.

1

2 Adopted 6-8-87, Amended June 30, 1992

3

- 1 a. An inventory of the amounts and classifications of waste generated
2 by the generators of such state during the period 1980 thru the date
3 of the petition.
- 4 b. Projections of the amounts and classification of waste to be
5 generated during the thirty years following the petition.
- 6 c. A mailing list of all current and anticipated generators of waste
7 within the petitioning state.
- 8 d. A statement regarding the willingness of the petitioning state to
9 serve as a host state for the Central Interstate Low-Level
10 Radioactive Waste Compact.
- 11 e. Evidence, by way of documentation, that the petitioning state has
12 in place all pertinent laws and regulations required to license a low-
13 level radioactive waste facility within such state. The petitioning
14 state must also make a showing that its laws and regulations are
15 not inconsistent with the terms of the Compact.
- 16 f. The Commission may request such other documentation and
17 information it determines necessary to properly consider the
18 petition.

19

20 24.4 ACTION BY THE COMMISSION

- 21 a. Within 10 days of receipt of a petition from a non-member state to
22 join the Compact, the Executive Director shall forward a copy of
23 such petition to each member of the Commission. Within 60 days
24 of receipt of the information specified in Rule 24.3, the Chairman
25 shall convene a meeting, except that such meeting shall not be an
26 emergency meeting, of the Commission for the purpose of
27 considering such petition.

1 b. The Commission shall afford a petitioning state the opportunity to
2 address the Commission regarding its petition at the meeting
3 convened by the Chairman. The Commission shall render a
4 decision regarding acceptance or rejection of the petition at a
5 regularly scheduled meeting of the Commission. No state shall be
6 granted eligibility to join the Compact unless the Commission votes
7 unanimously in favor of its petition.
8

9 24.5 ELIGIBLE STATE BECOMING A MEMBER STATE

10 Upon notification that the Commission has granted it eligibility status, a
11 petitioning state may become a member of the Compact by enacting the
12 Compact into law. The eligible state shall become a member of the
13 Compact at such time that the Compact has been enacted into law in such
14 state, and the state has paid any dues and other monetary assessment the
15 Commission may require.
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28 Adopted 6-8-87, Amended June 30, 1992
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1 5 days for Emergency meetings from a mailing list maintained by
2 the Commission's office.

3 (3) News releases will be issued to a media mailing list maintained by
4 the Commission's office 14 days prior to the event.

5 (4) In the event of postponement or cancellation of a meeting or hearing, a
6 notice will be mailed to those receiving notice of the meeting and
7 posted at the entrance of the building where the hearing or meeting
8 was scheduled to be held.

9

10 27.3 MEETINGS

11 (1) COMMISSION MEETINGS are those meetings held by the Central
12 Interstate Low-Level Radioactive Waste Commission for the
13 purpose of conducting Compact business. Such meetings can be
14 either Annual, regular (referring to mid-year and quarterly
15 meetings), special (referring to other meetings called for non-
16 emergency purposes) or emergency meetings. The agenda and
17 order for discussion for these meetings will be set by the Chairman.
18 The Commission may request testimony of any person or persons it
19 desires to hear from. The Commission reserves the option to
20 question or respond to any person commenting to or testifying
21 before the Commission. These meetings will be considered as
22 formal and will be transcribed, and a copy of the official transcript
23 of the proceedings will be made available to the public at regular
24 cost of photocopying in accordance with Commission policy.

25 a. At Annual, regular, or special meetings, opportunity shall be
26 given for public comments on agenda items for 1 hour
27 before the Commission conducts its business. This public
28 comment period may be increased at the discretion of the

1 Chairman. The time allocated for each commenter shall be
2 established by the Chairman according to the number of
3 persons desiring to speak. Persons wishing to speak will be
4 required to complete an official registration card indicating
5 that they want to make a public statement. Persons who
6 have properly indicated that they wish to speak will be
7 recognized by the Chairman. Persons desiring to present
8 written comments to the Commission may do so at this time.

9 b. At Annual, regular, or special meetings, an additional public
10 comment period may be allocated at the completion of the
11 Commission's agenda as time permits at the discretion of the
12 Chairman. Persons who have completed registration cards
13 but were not recognized by the Chairman to speak earlier
14 will have an opportunity to make a public statement, then
15 those who have not completed a registration card but would
16 like to comment will be recognized by the Chairman. The
17 length of this comment period will be at the discretion of the
18 Commission.

19 c. Emergency Meetings. Opportunity for public comments at
20 Emergency Meetings are at the discretion of the Chairman
21 and shall be dictated by the nature and time constraints of
22 the meeting.

23 (2) PUBLIC COMMENT PROCEEDINGS are those meetings held on
24 behalf of the Central Interstate Low-Level Radioactive Waste
25 Commission for the purpose of soliciting public comments. The
26 Commission's representative or delegate shall preside as the
27 hearing officer at such proceedings. These proceedings are held to
28 solicit comments on a particular topic or document. Commission

1 members may be present and serve as co-hearing officers, however,
2 their presence is not necessary for this to be considered a formal
3 proceeding of the Commission. The agenda for these meetings will
4 be set by the Executive Director after consultation with the
5 Commission. The time, location and duration of the meeting shall
6 be set by the Executive Director in consultation with the
7 Commissioner of the member state in which the meeting is held.
8 These meetings will be transcribed. The length of the public
9 comment period will be at the discretion of the presiding officer
10 with the intent to last until all public comments are taken. Speakers
11 may be limited to 5 minutes each in order to assure that all
12 commenters have opportunity to speak. Persons may speak for
13 additional 5 minute periods once all commenters have been heard.
14 Persons wishing to speak will be required to complete an official
15 registration card indicating that they wish to make a public
16 statement. Persons who have properly indicated that they wish to
17 speak will be recognized by the presiding officer. Written
18 comments may also be presented. Oral statements will be limited
19 to the subject matter of the hearing. All comments received,
20 written or oral, will be made a part of the official record for
21 consideration by the Commission and their technical experts.

- 22 (3) PUBLIC INFORMATION MEETINGS are those meetings held on
23 behalf of the Central Interstate Low-Level Radioactive Waste
24 Commission in any Compact State. The Commission member or
25 Executive Director may preside at such a meeting. These meetings
26 are held to provide the public with information on the Compact
27 and issues associated with its functions. The agenda for these
28 meetings may be set by either the Commissioner of the member

1 state in which the meeting is being held or the Executive Director.
2 Opportunity for public comments will be afforded. The time,
3 location and duration of the meeting shall be set by the appropriate
4 state Commissioner or the Executive Director. Notice and
5 announcement of these meetings shall be as is reasonable under the
6 circumstances. The Commission's office will distribute a meeting
7 notice, however, this is not a required meeting of the Commission
8 and therefore not subject to notice and announcement procedures
9 contained in Rule 27.2. These meetings are informal and for
10 informational purposes only, and therefore will not be transcribed.

11 (4) (a) COMMITTEE MEETINGS, with the exception of the
12 Litigation Committee which shall be administered separately by (4)

13 (b) below and not by this section (4) (a), shall be held in the host
14 state unless another location is approved in advance by the
15 Commission. Commission and Committee members must be
16 notified in writing at least fourteen (14) days in advance of a
17 Committee meeting as to the date, place, time, agenda.

18 Background materials to be considered at Committee meetings will
19 be included in the notification mailing. Committee minutes will be
20 kept and circulated to the Commission members within 30 days of
21 a committee meeting. Committee chairmen or their delegates will
22 normally be expected to review and discuss Committee activities at
23 Annual or regular meetings of the Commission. All Committee
24 meetings shall be open meeting with an opportunity for public
25 comment subject to the procedures and exceptions as set forth in
26 the By-Laws of the Commission, in Article IV.

27 (b) The LITIGATION COMMITTEE shall meet upon reasonable
28 advance written notice by the Committee Chairman to Committee

1 members and Commissioners for the purpose of holding legal
2 strategy sessions with respect to pending litigation or imminent
3 litigation. The Committee shall make a report to the Commission at
4 a duly noticed Commission Meeting on the results of its Committee
5 Meeting for Commission consideration, response, or action.

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20 Adopted 6-8-87
21 Amended 6-30-92
22 Amended 6-29-93
23 Amended September 14, 1994
24 Amended June 26, 1996
25 Amended June 25, 1997