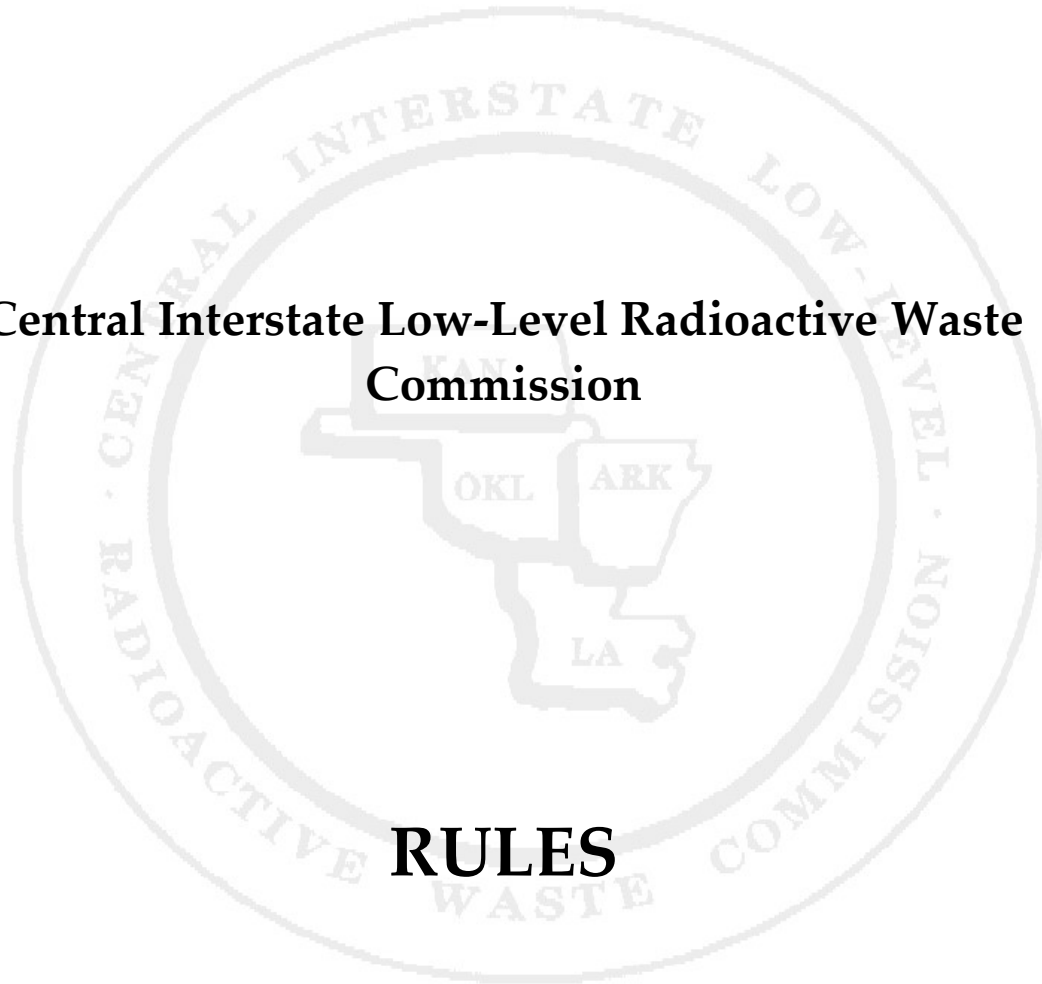


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**Central Interstate Low-Level Radioactive Waste
Commission**



RULES

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CENTRAL INTERSTATE LOW-LEVEL
RADIOACTIVE WASTE COMMISSION RULES

TABLE OF CONTENTS

	<u>PAGE</u>
POLICY STATEMENT Authorization to Export Waste	3
RULE 1 Application for exportation of waste from the region	5
FORM A Application for Non-Federal facilities to export	7
FORM B Application for Federal facilities to export	10
RULE 2 Repealed: June 21, 1994	13
RULE 3 Procedures for a state volunteering to serve as host state	14
RULE 4 Relating to the use of Rebate Funds	17
RULE 5 Relating to the rotation of Host States	22
RULE 6 Relating to host site selection	23
RULE 7 Relating to acceptance of waste	24
RULE 8 Repealed: June 23, 2009	25
RULE 9 Repealed: June 23, 2009	26
POLICY STATEMENT Relating to administrative fee	27
RULE 10 Report of waste generated for disposal	29
FORM C Report of Non-Federal waste	30
FORM D Report of Federal waste	33
RULE 21 Relating to filing a court action against the CIC	36
RULE 23 Relating to the withdrawal of a member state	38
RULE 24 Relating to the admission of new member states	41
RULE 27 Public notice and announcement procedures	44

1 RULES OF THE COMMISSION RELATING TO
2 AUTHORIZATION TO EXPORT WASTE
3 POLICY STATEMENT
4
5

6 Article III.g. of the Central Interstate Low-Level Radioactive Waste Compact states that unless
7 authorized by the Commission, it shall be unlawful after January 1, 1986 for any person to export
8 from the region, low-level radioactive waste ("LLRW") generated within the region, and to
9 transport LLRW from the site at which it is generated except to a regional facility.
10

11 On June 20, 2017, the Commission passed a resolution authorizing LLRW generators within the
12 region to export their LLRW wastes outside of the region to any duly authorized and permitted
13 disposal facility provided it is done in compliance with all applicable state and federal laws and
14 regulations and any terms or conditions required of both the disposal facility and the regional
15 Compact in which the disposal facility is located.
16

17 Therefore, it is the policy of the Commission that, effective July 1, 2017, all LLRW generators in
18 the Central Interstate Low-Level Radioactive Waste Compact are authorized to export their
19 LLRW to a disposal facility outside of the region in accordance with the terms of the Resolution
20 passed by the Commission on June 20, 2017.
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22 Adopted June 21, 1994. Amended June 20, 2017.
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1.4 APPROVAL

The Commission shall approve or deny, by majority vote, any application for exportation of low-level radioactive waste from the Compact region at any Annual Meeting, Regular Meeting, Special Meeting, Emergency Meeting or Telephone Conference.

The Commission may also approve or deny, by majority vote, any application for exportation, without calling a meeting, by facsimile or electronic mail provided that:

- (a) a copy of the application for exportation has been sent to each voting Commissioner for review,
- (b) a written statement by each Commissioner is provided to the Commission’s office certifying that the application for exportation has been reviewed and any questions or concerns have been satisfied
- (c) action taken by the Commission shall be ratified at the next public meeting of the Commission

Each application shall be considered utilizing the following standards:

- (1) Eligibility of the llrw is determinable from the representation on the Application form.
- (2) All information requested on the Application form is provided.
- (3) Any other relevant information in addition to the application requested by the Commission has been provided and resolves any issues of eligibility of waste.

1.5 AGREEMENTS TO EXPORT

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

1 Adopted 1/31/86, Amended 6/8/87, 6/30/92, 6/29/93, 6/21/94, 6/13/01,
2 6/23/2009, June 20, 2017.
3



FORM A

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

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

2. Mailing Address: _____

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

Telephone Number: _____

Email Address: _____

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, 2016 to June 30, 2017.

_____not applicable.

7. Total volume of llrw projected to be exported for disposal during the
time for which this application is made: _____ft³.

1 By: _____ Date: _____.

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3 Title: _____.

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22 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,
23 6/8/04, 6/29/05, 6/21/06, 6/20/07, 6/17/08, 6/23/09, 6/22/10, 6/14/11, 6/12/12, 6/12/13, 6/10/14, 6/16/15,

24 June 14, 2016

25



FORM B

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

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

2. Mailing Address: _____

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

Telephone Number: _____

Email Address: _____

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, 2016 to June 30, 2017.

_____not applicable.

7. Total volume of llrw projected to be exported for disposal during the

time for which this application is made: _____ft³.

1 Total volume of llrw being held in storage that was generated during the previous CIC
2 fiscal year (July 1 - June 30) which is intended for eventual disposal at a licensed llrw
3 disposal facility: _____ft³.
4

5 8. The Commission has adopted the following application fee schedule
6 for the fiscal year 2016-2017:
7
8

MAJOR GENERATOR -

Utility Company or 1001 Cubic Feet or greater \$ 4,000.00

LARGE GENERATOR -

501 - 1000 Cubic Feet \$ 1,050.00

SMALL GENERATOR -

500 Cubic Feet or less \$ 75.00

VERY SMALL GENERATOR -

50 Cubic Feet or less \$ 50.00

9

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9. The amount of fee to be submitted with this application \$ _____. Checks should be
12 made payable to "Central Interstate Low-Level Radioactive Waste Commission".
13

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

25

26

1. **owned or generated by the U.S. Department of Energy;**

27

28

2. **owned or generated by the U.S. Navy as a result of the decommission of
29 vessels of the U.S. Navy or**

30

31

3. **owned or generated as a result of any research, development testing or
32 production of any atomic weapon.**

33

34

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

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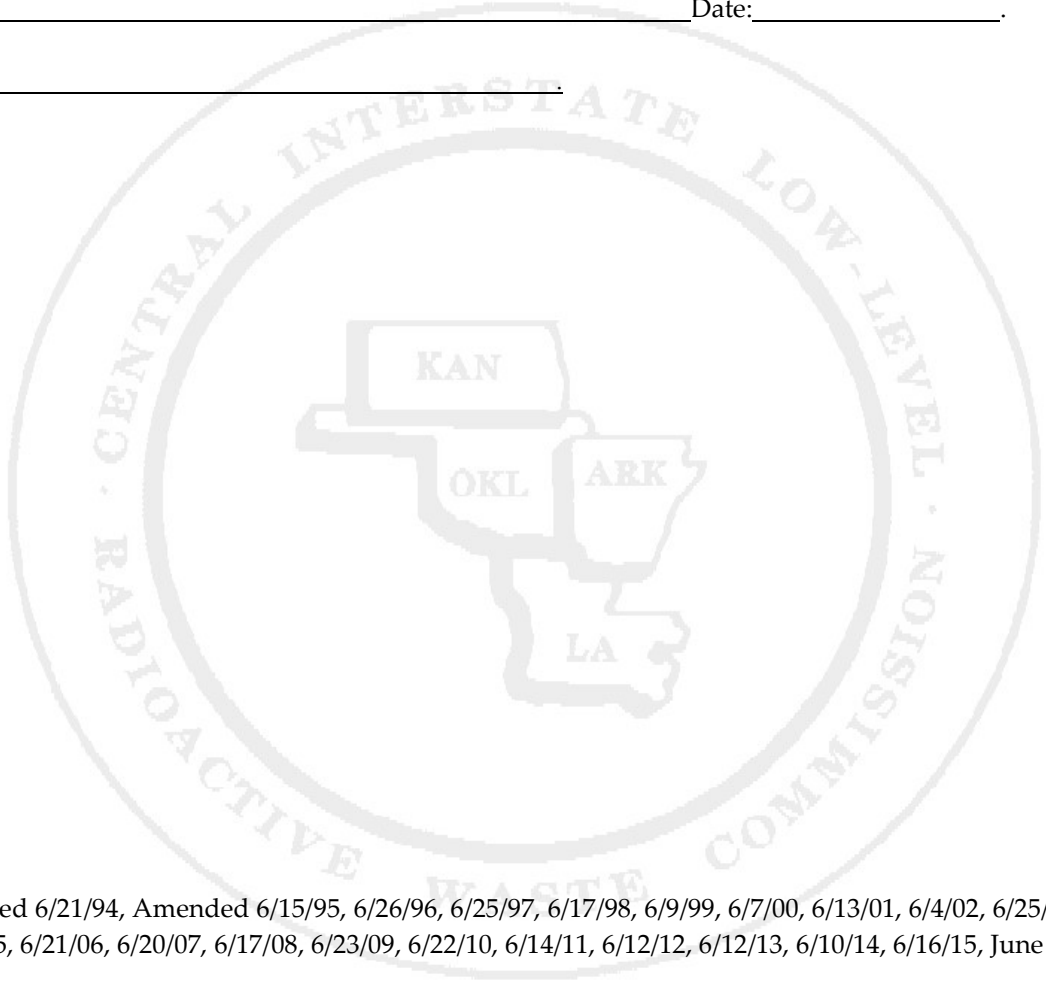
Title: _____

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, 6/20/07, 6/17/08, 6/23/09, 6/22/10, 6/14/11, 6/12/12, 6/12/13, 6/10/14, 6/16/15, June 14, 2016

RULE 2

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



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RULE 3

RELATING TO THE PROCEDURES FOR A STATE VOLUNTEERING
TO SERVE AS A HOST FOR A REGIONAL FACILITY

3.1 GENERAL

This rule governs the procedures applicable to a state volunteering to serve as a host for a regional facility pursuant to Article V of the Compact.

3.2 VOLUNTEER STATE

Pursuant to Article V of the Compact, each party state shall have the opportunity to volunteer as a host for a regional facility.

3.3 METHOD AND TIMELINESS OF VOLUNTEERING

Following the collection of sufficient data and information from the states, each party state shall be allowed to volunteer as host for a regional facility. A party state may volunteer at any time until such time that the Commission has made a preliminary selection of a proposer to develop and operate a regional facility.

A party state seeking to volunteer as a host for a regional facility must make formal written application to the Commission. Such application shall be signed by the Governor of such state. An application may be made in conjunction with or separate from a proposal by a private developer to develop a regional facility. The state's application must contain sufficient information as to permit the Commission to reasonably determine that the state will be able to develop and operate or have developed and operated a regional facility in a timely manner.

1 3.4 CONSIDERATION OF VOLUNTEER APPLICATION BY THE COMMISSION

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

7
8 The Commission shall review the application to volunteer in the same manner as it
9 would review any application to develop a regional facility.

10
11 The Commission shall determine the sufficiency of the application, and may request
12 further information from the state prior to rendering a decision on the application.

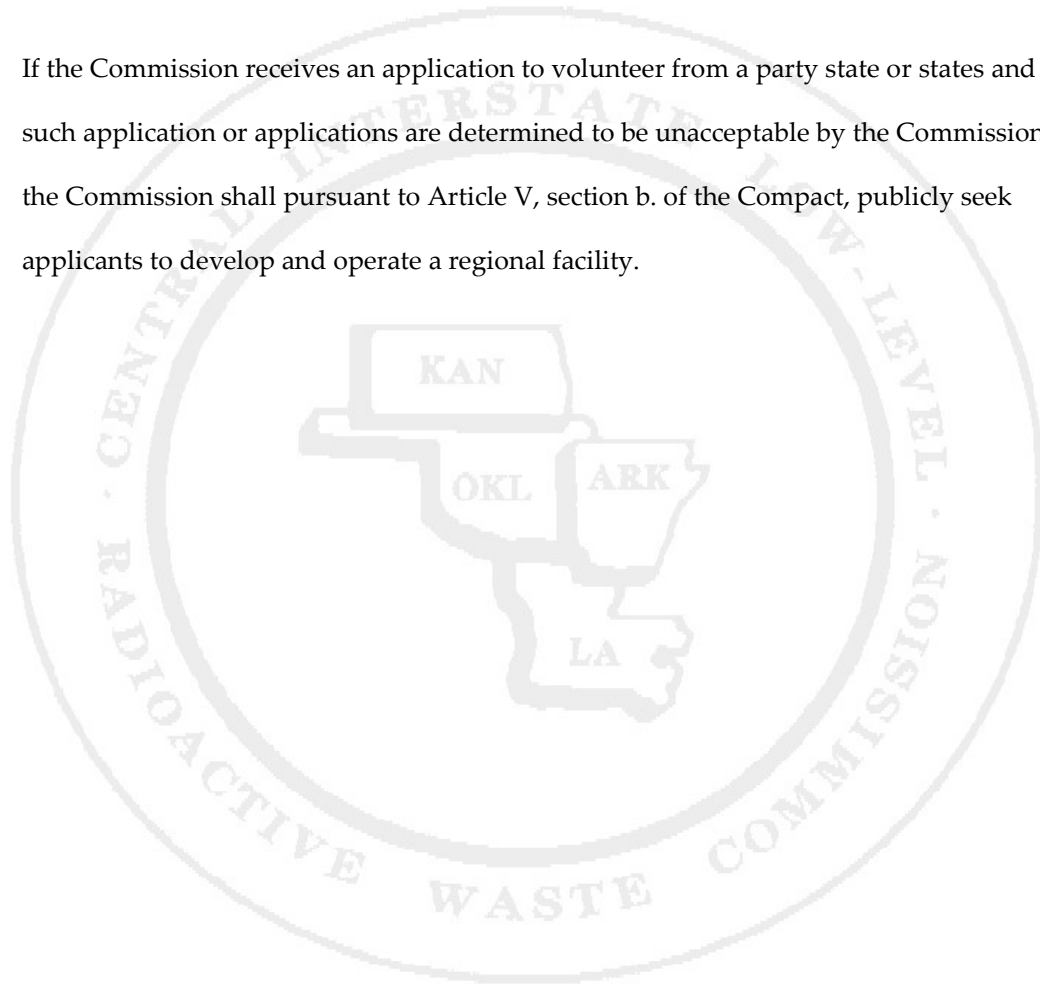
13
14 If the Commission receives an application to volunteer from a party state during the time
15 the Commission is reviewing proposals to develop a regional facility pursuant to Article
16 V, section b. of the Compact, the Commission may suspend the consideration of such
17 proposals until a determination has been made regarding the application to volunteer. If
18 the Commission acts favorably on an application to volunteer under these circumstances,
19 the Commission may continue with the public bid process if the volunteer state so
20 desires, or may determine that public bids are not required and abandon the selection of
21 a private developer and return any application fee paid to the Commission, or take such
22 other action as it 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 date set by the
4 Commission for the closing of the public bid process, the Commission shall proceed with
5 the selection of a developer for the regional facility pursuant to Article V of the Compact.

6
7 If the Commission receives an application to volunteer from a party state or states and
8 such application or applications are determined to be unacceptable by the Commission,
9 the Commission shall pursuant to Article V, section b. of the Compact, publicly seek
10 applicants to develop and operate a regional facility.



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Adopted: November 18, 1986 Amended: June 23, 2009

1 disbursement on or about July 1 shall be for 25% of the annual amount approved. The
2 remainder of the disbursement shall be transferred on a quarterly basis to the host state
3 commencing October 1. In deciding whether or not to approve any such Host State
4 request, the Commission may consider:

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

22 23 A.1 USES OF FUNDS BY MEMBER STATE

24 Any member state requesting funds from the Commission pursuant to this Rule,
25 shall request and, if granted, use such funds only for the purposes associated with
26 locating and licensing a regional waste management facility and/or a regional waste
27 minimization program. Such use of funds may include, but not be limited to, the

1 conduct of geological and technical studies relating to the siting of such a facility, the
2 employment of technical staff and/or contractors for the purpose of reviewing a
3 license application, a public outreach program related to the location of such a
4 facility and those tasks associated with the review of a license application.

5
6 B. ACCOUNTING, REPORTING AND AUDITING

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

12
13 The Host State shall, within 30 days after the close of each calendar quarter, file with the
14 Commission a financial report in reasonable detail of all receipts and expenditures of all
15 direct and indirect use of the surcharge rebate funds and all transactions involving the
16 surcharge rebate funds. The financial report will contain sufficient detail to identify: (1)
17 personnel costs, including the identification, the nature of the task or work performed,
18 the number of hours worked, (2) any travel, lodging, or conference expenses of personnel
19 using any surcharge rebate funds, (3) operating expenses, (4) capital outlays, (5) the
20 exact identification of all other expenditures or uses of the surcharge rebate funds, and
21 (6) any contractual commitments, including a copy of the contract with all amendments,
22 and a narrative status of each contract, including the total amount of the contract, any
23 related contractual payments and the remaining obligation to date of the report.

24
25 The financial report of the use of the surcharge rebate funds will present the fund balance
26 at the beginning of the reporting period, all revenue and expenses during the reporting
27 period, and the fund balance, at the end of the reporting period.

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

For Commission purposes, on an annual basis, the Host State financial report will be prepared and submitted in the same level of detail described above, shall be subject to audit procedures, and reported thereon by an independent certified public accountant. The Host State shall annually, within 90 days after the close of each fiscal year, file with the Commission a copy of the Host State's annual financial report, accompanied by the audit report of the independent certified public accountant. If the Host State does not elect to use the services of an independent certified public accountant for the purposes of submitting to the Commission an annual audited financial report, then the Commission shall obtain the services of an independent certified public accountant in place of the Host State's accountant for the same reporting purposes. The Commission shall use the services of an independent certified public accountant for the Host State financial report, and the cost shall first come from the Host State's surcharge rebate funds then, if necessary, from surcharge rebate funds held by the Commission.

The certified public accountant's audit report(s) shall address the Host State's compliance with Commission Rule 4 governing the nature or purpose for which funds may be expended or applied. The Host State shall promptly, within 60 days of Commission determination, remit to the Commission from state funds (non-surcharge rebate funds) the amount of any funds expended for purposes which do not comply with Commission

1 Rule 4, as determined by the Commission, after review and consideration of the audit
2 report.

3

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

9

10 4.3 IMPROPER EXPENDITURES

11 Any member may challenge the legitimacy of any expense submitted by a state receiving
12 funds under Rule 4. If such a challenge arises, the Commission shall at a special meeting
13 determine the sufficiency of the challenge, and issue a ruling concerning the legitimacy of
14 the expenditure. The Commission may request any documentation required to make an
15 informed decision and any state requested to provide documentation shall submit such
16 documentation.

17

18 If the Commission finds that an expenditure is not legitimate, the Commission may rule
19 that the offending state must repay the entire amount of such expenditure or a portion
20 thereof. Failure by such state to repay in accordance with a ruling of the Commission,
21 shall place the state in a position of being found in violation of its duty to perform its
22 obligation under the terms of the Compact.

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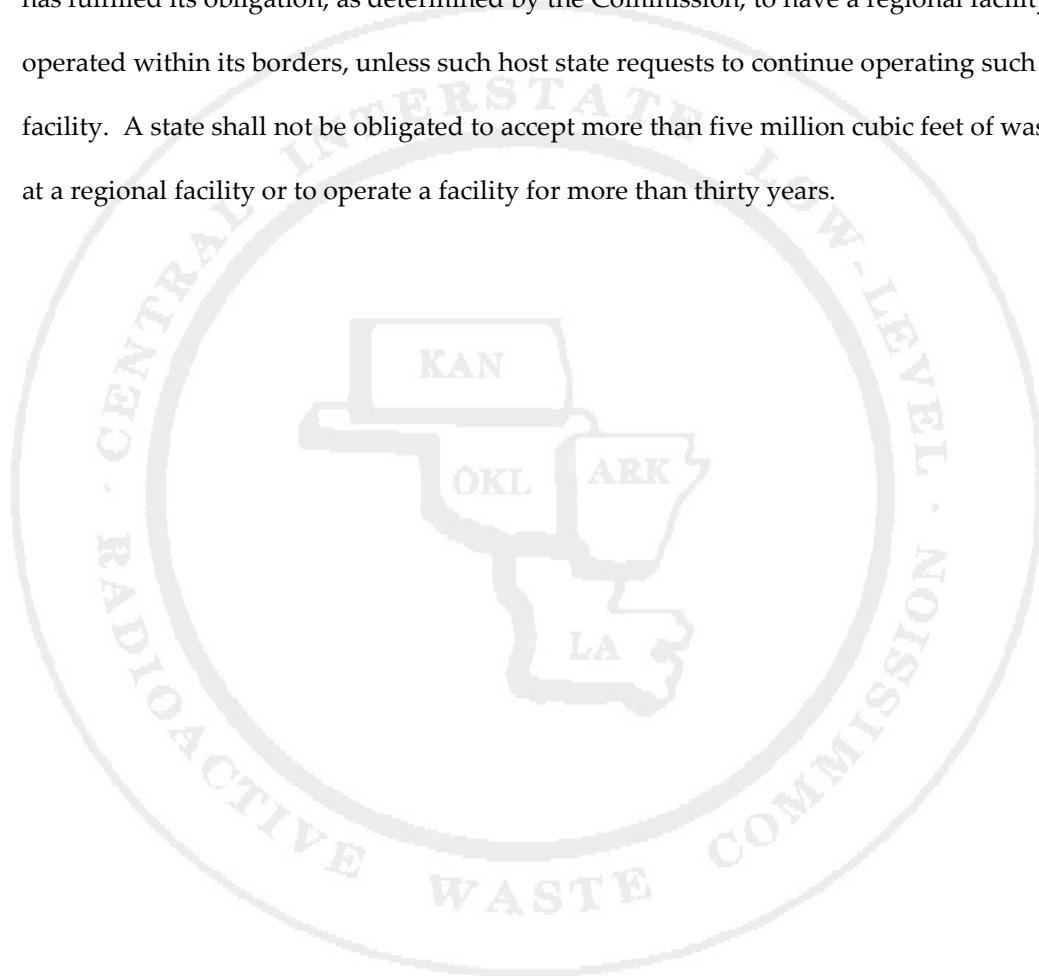
27 Adopted 4-24-87, Amended 6-8-87, June 15, 1995

1 RULE 5

2 RELATING TO THE ROTATION OF HOST STATES

3 5.1 GENERAL

4 Any party state which becomes a host state in which a regional facility is operated shall
5 not be required to be a host state for an additional regional facility until each party state
6 has fulfilled its obligation, as determined by the Commission, to have a regional facility
7 operated within its borders, unless such host state requests to continue operating such
8 facility. A state shall not be obligated to accept more than five million cubic feet of waste
9 at a regional facility or to operate a facility for more than thirty years.



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27 Adopted 4-24-87, Amended 6-8-87, June 30, 1992

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.



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

RULE 8

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Adopted: September 22, 1987

Repealed: June 23, 2009



RULE 9

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

Repealed: June 23, 2009



1 RULE OF THE COMMISSION RELATING TO THE "REGIONAL WASTE DISPOSAL
2 ADMINISTRATIVE FEE"
3 POLICY STATEMENT
4

5 To fulfill its duties and responsibilities as established by the Compact Law and the Low-Level
6 Radioactive Waste Policy Amendments Act of 1985 (Public Law 99-240), the Commission
7 requires a funding level greater than that provided by the annual State appropriations to the
8 Commission as established in Article IV, Section h, of Compact Law. While this provision
9 discusses State funding for the Commission, it does not limit the Commission in pursuing
10 methods of funding other than that established in Article IV, Section h. For example, Article IV,
11 Section m.9., authorizes the Commission to, "Take such action as may be necessary to perform its
12 duties and functions as provided in this compact."

13
14 Therefore, in order to provide the necessary funds to carry out all of its administrative
15 responsibilities, the Commission under the broad authority granted it by the Compact including
16 Article IV, Section m. 9. establishes the policy that there shall be a fee for any person within the
17 Compact Region generating radioactive waste intended for eventual disposal in a facility within
18 the Compact and licensed for that purpose. The amount of such fees shall be set, according to the
19 need, each year by the Commission and shall be collected on a fiscal year basis.

20
21 For the purpose of this policy and during the time that this Compact does not have its own
22 regional disposal facility, Commission fees do not affect the low-level radioactive waste
23 generators ability or responsibility to adhere to and follow Federal or State laws, rules or
24 regulations regarding low-level radioactive waste generation, packaging and shipping.

25
26 Funds received for such shall be used for the purposes the Commission determines are necessary
27 to the ultimate development of a regional disposal facility. The amount of such fees shall be set

1 by the Commission at its annual meeting and collected on a fiscal year basis, but may be
2 modified as necessary by the Commission.

3

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

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25 Adopted June 21, 1994. Amended June 20, 2017.

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1 RULE 10

2 REPORT OF WASTE GENERATED FOR DISPOSAL

3 10.1 FILING OF DOCUMENTATION

4 Any person within the Compact Region generating low-level radioactive waste intended
5 for ultimate disposal in a facility within the Compact and licensed for that purpose shall
6 submit a report of same to the Commission on or before September 1, of each year or
7 within 60 days of the time it is determined that such waste has been generated for
8 disposal.

9
10 10.2 CONTENTS OF APPLICATION TO EXPORT WASTE

11 The report form for waste generated shall be that adopted by the Commission (Forms C
12 & D) and shall contain the information deemed necessary by the Commission to analyze
13 each report. Such report forms can be obtained from the Commission's office.

14
15 10.3 TRANSMISSION OF DOCUMENTATION

16 Each report shall be transmitted to the Commission's office with the applicable fee.
17 Reports shall not be considered for acceptance until the applicable fee has been paid.

18
19 10.4 APPROVAL

20 The Commission shall approve or deny at any Annual meeting, Regular Meeting, Special
21 Meeting, Emergency Meeting or Telephone Conference, the acceptance of any report of
22 low-level radioactive waste generated in the Compact region. Each report shall be
23 considered utilizing the following standards:

- 24 (1) Eligibility of the llrw is determinable from the representation on the report form.
25 (2) All information requested on the report form is provided.
26 (3) Any other relevant information in addition to the report requested by the
27 Commission has been provided and resolves any issue of eligibility.

1 Adopted: June 21, 1994 Amended: 6/23/2009, June 20, 2017
2



FORM C

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

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.

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

- 1 8. Adjustments to fee paid for previous CIC fiscal year:
- 2 a. Additional fees owed: \$ _____.
- 3 b. Refund which the CIC owes: \$ _____.

4 9. Total volume of llrw projected to be generated during CIC fiscal year for which disposal
 5 will be required and for which this report is submitted and which is intended for
 6 eventual disposal at a licensed facility: _____ ft³.

7 10. The Commission has adopted the following report administration fee schedule for the
 8 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

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

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

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

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

5

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

9

10 Date: _____ By: _____

11

12 Title: _____

13

14 _____

15

16 **For Commission use:**

Approved

Disapproved

17

18 Reason: _____

19

20 _____

21

22 By: _____ Date: _____

23

24 Title: _____

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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

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.

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

- 1 8. Adjustments to fee paid for previous CIC fiscal year:
- 2 a. Additional fees owed: \$_____.
- 3 b. Refund which the CIC owes: \$_____.
- 4 9. Total volume of llrw projected to be generated during CIC fiscal year for which disposal
- 5 will be required and for which this report is submitted and which is intended for
- 6 eventual disposal at a licensed facility: _____ ft³.

7 10. The Commission has adopted the following report administration fee schedule for the

8 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

15 Please enclose a check made payable to "Central Interstate Low-Level Radioactive Waste

16 Commission" for the applicable fee based on the llrw volume entered in 9 above.

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

24 _____ I hereby certify that to the best of my knowledge the information provided herein is

25 accurate and correct and that the low-level radioactive waste reported herein will be

26 managed in accordance with applicable state and federal regulations and will be

27 acceptable for disposal at a regional disposal facility. I also certify that the waste

28 included in this report is requested is not:

29

1 RULE 21

2 RELATING TO FILING A COURT ACTION

3 AGAINST THE COMMISSION

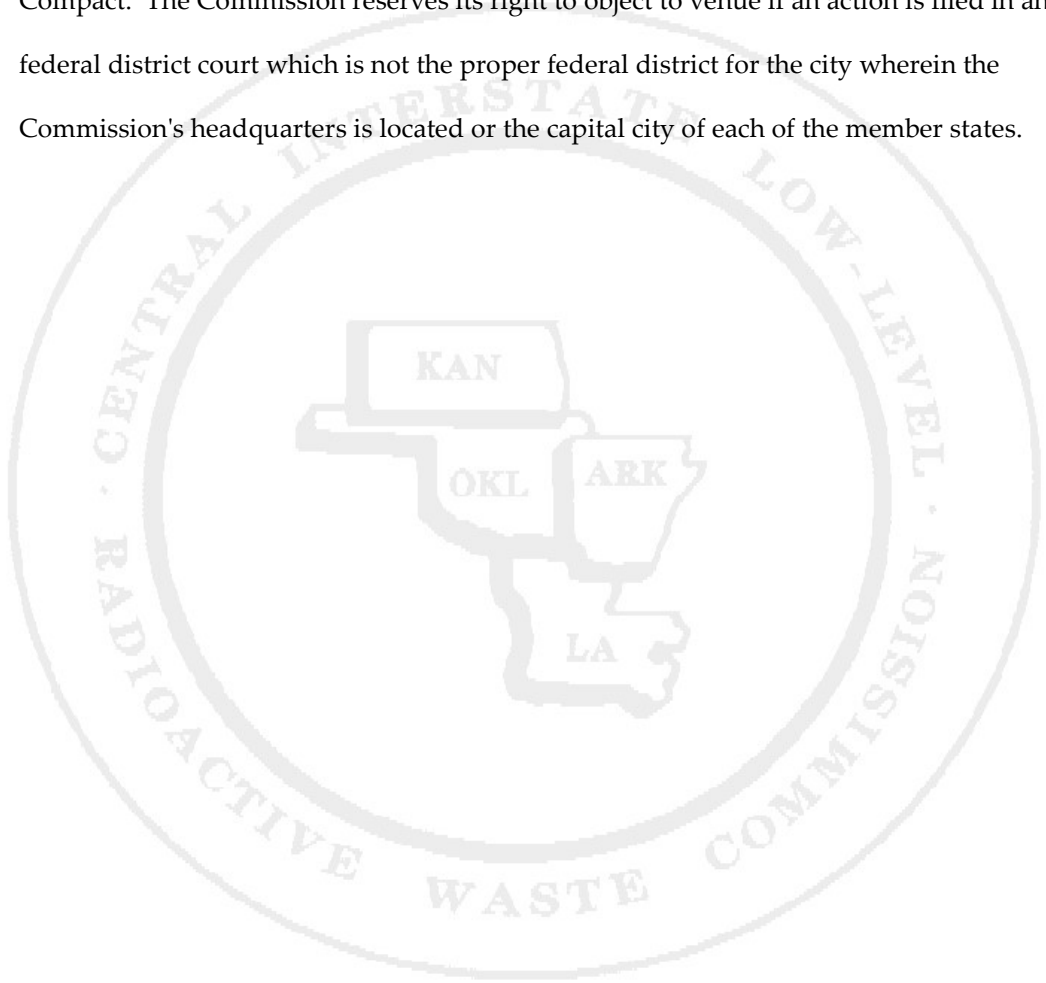
4 21.1 POLICY STATEMENT

5 Article IV, Section 1, of the Compact provides that "Any person or party state aggrieved
6 by a final decision of the Commission may obtain judicial review of such decisions in the
7 United States District Court in the District wherein the Commission maintains its
8 headquarters by filing in such court a petition for review within 60 days after the
9 Commission's final decision. Proceedings thereafter shall be in accordance with the rules
10 of procedure applicable in such a court." The purpose of this provision of the Compact is
11 to specify in which federal court an action against the Commission may be brought.
12 There is no question that jurisdiction for an action against the Commission lies in the
13 Federal District Courts. The language contained in the Compact provides for the specific
14 place where an action may be properly instituted and the suit determined. This is known
15 as venue. As a matter of federal law and procedure, a court may have jurisdiction but
16 may lack proper venue. The Compact specifically addressed venue in order to avoid
17 what is commonly referred to as forum shopping.

18
19 Unlike subject matter jurisdiction, venue is a privilege personal to each defendant, which
20 can be waived. Waiver of venue may be either specific or implied by failure to timely
21 object. The Commission recognizes that for fairness and convenience, a party
22 challenging a decision of the Commission should be able to file such an action within
23 each of the member states. For the purpose of ensuring fairness to each of the member
24 states, the Commission has adopted this Rule pertaining to waiver of venue.

1 21.2 SPECIFIC WAIVER OF VENUE

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



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

1 RULE 23

2 RELATING TO THE WITHDRAWAL OF A MEMBER STATE

3 23.1 GENERAL

4 The Compact provides in Article VII, Section d., for the withdrawal of a member state. A
5 state seeking to withdraw must enact a statute repealing the Compact. Unless permitted
6 earlier by unanimous approval of the Commission, withdrawal shall take effect five years
7 after the Governor of the withdrawing state has given notice in writing of such
8 withdrawal to each Governor of the party states.

9
10 Article VII, Section e., of the Compact provides for the suspension of a party state's
11 membership in the Compact and the revocation of such membership by the Commission.
12 The section also addresses penalties the Commission may enforce against such state.

13
14 The purpose of this Rule is to specify the process of withdrawal and the penalties the
15 Commission shall enforce against a withdrawing state. This Rule shall take effect upon
16 its enactment by the Commission, and shall have full force and effect, and be legally
17 binding upon any state that is a member of the Central Interstate Low-Level Radioactive
18 Waste Compact on June 8, 1987 and any state that subsequently becomes a member of
19 the Compact.

20
21 23.2 WITHDRAWAL

22 Any party state seeking to withdraw from the Compact may do so by enacting a statute
23 repealing the same. Such withdrawal shall not be effective until five years after the
24 Governor of such withdrawing state has given notice in writing of the passage of such
25 withdrawal legislation to the Chairman of the Commission and to each Governor of each
26 party state.

1 23.3 COMMISSION ACTION

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

13
14 23.4 PENALTIES

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

- 18 a. Such state shall pay to the Commission \$125,000, which amount shall represent
19 the amount such state would have contributed to the Commission's budget
20 during the five year period.
- 21 b. Such state shall pay to the Commission an amount determined by the
22 Commission to be equal to the sum of money that such state's waste generators
23 would have contributed to the budget of the Commission during the five year
24 period.
- 25 c. Such state shall pay to the Commission an amount equal to any rebate funds lost
26 by the Commission for failure to meet milestones specified in Public Law 99-240,

1 if the Commission determines that failure to meet the milestones is caused by the
2 withdrawal and/or revocation of such state.

3 d. If the withdrawing state, at the time of its withdrawal, is the host for a regional
4 facility such state shall continue to make the facility available to the region's
5 waste generators until such time that a new regional facility is developed and
6 operational. Under such withdrawal circumstances, the Commission may also
7 assess any costs associated with the development of a new regional facility on the
8 state which has withdrawn and/or had its membership revoked.

9 e. If the region has an operational regional waste facility at the time of withdrawal
10 and/or revocation, such state shall forfeit the rights of its generators to use such
11 facility.

12 f. If the withdrawal and/or revocation takes effect during a period the region has
13 an operational regional facility, the withdrawing state shall pay to the
14 Commission an amount equal to that which its waste generators would have
15 paid to the operator of such regional facility in fees during the five year period
16 subsequent to the withdrawal and/or revocation. Such amount shall be based on
17 prior years use of the facility and projected waste volumes as determined by the
18 Commission.

19 g. Any state withdrawing from the Compact shall not be permitted to rejoin the
20 Compact at a later date.

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

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1 RULE 24

2 RELATING TO THE ADMISSION OF NEW MEMBER STATES

3 24.1 GENERAL

4 The Compact provides in Article VII, b. and c., that a non-member state may petition the
5 Commission for eligibility to join the Compact, and may become eligible to join the
6 Compact. The purpose of this rule is to specify the procedures which apply to a state
7 petitioning to become eligible for membership in the Compact, and the manner in which
8 an eligible state becomes a party to the Compact.

9
10 24.2 PETITION FOR ELIGIBILITY

11 A state seeking to become eligible for membership in the Compact shall submit a written
12 petition to the Chairman of the Commission. Such petition shall specifically indicate that
13 the petitioning state seeks to become a member of the Central Interstate Low-Level
14 Radioactive Waste Compact, the reasons supporting such request, that such state
15 recognizes and understands the legal ramifications and liabilities of such membership,
16 that such state is not a member of any other Compact and is not pursuing membership in
17 another Compact. The petition shall be signed by the Governor of the petitioning state.

18
19 24.3 DOCUMENTATION TO BE FURNISHED IN CONJUNCTION
20 WITH A PETITION

21 A state submitting a petition to become eligible to join the Compact shall provide within
22 30 days of submitting such petition the following information.

- 23 a. An inventory of the amounts and classifications of waste generated by the
24 generators of such state during the period 1980 thru the date of the petition.
- 25 b. Projections of the amounts and classification of waste to be generated during the
26 thirty years following the petition.

- 1 c. A mailing list of all current and anticipated generators of waste within the
- 2 petitioning state.
- 3 d. A statement regarding the willingness of the petitioning state to serve as a host
- 4 state for the Central Interstate Low-Level Radioactive Waste Compact.
- 5 e. Evidence, by way of documentation, that the petitioning state has in place all
- 6 pertinent laws and regulations required to license a low-level radioactive waste
- 7 facility within such state. The petitioning state must also make a showing that its
- 8 laws and regulations are not inconsistent with the terms of the Compact.
- 9 f. The Commission may request such other documentation and information it
- 10 determines necessary to properly consider the petition.

11

12 24.4 ACTION BY THE COMMISSION

- 13 a. Within 10 days of receipt of a petition from a non-member state to join the
- 14 Compact, the Commission staff shall forward a copy of such petition to each
- 15 member of the Commission. Within 60 days of receipt of the information
- 16 specified in Rule 24.3, the Chairman shall convene a meeting, except that such
- 17 meeting shall not be an emergency meeting, of the Commission for the purpose
- 18 of considering such petition.
- 19 b. The Commission shall afford a petitioning state the opportunity to address the
- 20 Commission regarding its petition at the meeting convened by the Chairman.
- 21 The Commission shall render a decision regarding acceptance or rejection of the
- 22 petition at a regularly scheduled meeting of the Commission. No state shall be
- 23 granted eligibility to join the Compact unless the Commission votes
- 24 unanimously in favor of its petition.

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1 24.5 ELIGIBLE STATE BECOMING A MEMBER STATE

2 Upon notification that the Commission has granted it eligibility status, a petitioning state
3 may become a member of the Compact by enacting the Compact into law. The eligible
4 state shall become a member of the Compact at such time that the Compact has been
5 enacted into law in such state, and the state has paid any dues and other monetary
6 assessment the Commission may require.



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Adopted: 6-8-87, Amended: 6/30/92, June 23, 2009

RULE 27

PUBLIC NOTICE & ANNOUNCEMENT PROCEDURES

27.1 GENERAL

Public notice and announcement shall be made for all Commission Meetings and Public Comment Proceedings in accordance with these rules and the By-Laws of the Commission. The Commission staff shall have the responsibility for issuance of notices and announcements for these proceedings. Public Information Meetings shall be noticed or announced on the State level as required by the Commissioner of each State. Each state shall have the responsibility of meeting its own applicable State laws, rules and regulations relating to public notice requirements.

The date, time and place for all Commission Meetings and Public Comment Proceedings shall be noticed by the Commission staff after consultation with the affected state's Commissioner.

27.2 NOTICE REQUIREMENTS

- (1) Any notice or announcement of a Commission Meeting or Public Comment Proceedings must include the date, time and place of the scheduled meeting; a brief description of the matters to be discussed; an invitation for the public to participate; and the name, address and telephone number of a contact person for further information.
- (2) Meeting and hearing notices and announcements will be distributed 30 days prior to Annual meetings and Public Comment Proceedings and 14 day prior to Special and Regular meetings, and 5 days for Emergency meetings from a mailing list maintained by the Commission's office.

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

5 27.3 MEETINGS

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

18 a. At annual, regular, or special meetings, a public forum will be offered
19 after adjournment of the Commission meeting. Persons who have
20 indicated a desire to speak on the meeting attendance log will have an
21 opportunity to make a public statement first. Then, others who wish to
22 speak will be recognized by the Chairman. The length of the public
23 forum will be at the discretion of the Chairman.

24 b. Emergency Meetings. A public forum at Emergency Meetings is at the
25 discretion of the Chairman based on the nature and time constraints of
26 the meeting.

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

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

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

11 (4) (a) COMMITTEE MEETINGS, with the exception of the Litigation
12 Committee which shall be administered separately by (4) (b) below and not by
13 this section (4) (a), shall be held in the host state unless another location is
14 approved in advance by the Commission. Commission and Committee members
15 must be notified in writing at least fourteen (14) days in advance of a Committee
16 meeting as to the date, place, time, agenda. Background materials to be
17 considered at Committee meetings will be included in the notification mailing.
18 Committee minutes will be kept and circulated to the Commission members
19 within 30 days of a committee meeting. Committee chairmen or their delegates
20 will normally be expected to review and discuss Committee activities at Annual
21 or regular meetings of the Commission. All Committee meetings shall be open
22 meeting with an opportunity for public comment subject to the procedures and
23 exceptions as set forth in the By-Laws of the Commission, in Article IV.

24 (b) The LITIGATION COMMITTEE shall meet upon reasonable advance
25 written notice by the Committee Chairman to Committee members and
26 Commissioners for the purpose of holding legal strategy sessions with respect to
27 pending litigation or imminent litigation. The Committee shall make a report to

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the Commission at a duly noticed Commission Meeting on the results of its
Committee Meeting for Commission consideration, response, or action.

- Adopted 6-8-87
- Amended 6-30-92
- Amended 6-29-93
- Amended September 14, 1994
- Amended June 26, 1996
- Amended June 25, 1997
- Amended June 23, 2009
- Amended June 20, 2017

