

Compact Interpretations of Import and Export Authority over Commercial Low-Level Radioactive Waste

Compact	● <i>Disposal</i>				○ <i>Storage/Treatment</i>			
	Import Authority for Regional Facilities	Export Authority	Import Authority for Non-Regional Facilities	Authority over Use of Non-Regional* Facilities for In-Region Waste	Import Authority for Regional Facilities	Export Authority	Import Authority for Non-Regional Facilities	Authority over Use of Non-Regional* Facilities for In-Region Waste
Appalachian	● 1, 3	● 4	● 2, 3	● 2, 4				
Central	● 1, 4	● 2, 3, 4	● 3, 4	● 3	○ 1, 4	○ 2, 3, 4	○ 3, 4	○ 3
Central Midwest	● 1, 2, 8	● 4, 7, 9, 10	● 1, 8, 10	● 5, 10	○ 2, 3, 8	○ 4, 7, 9, 11	○ 3, 8	○ 6, 11
Midwest	● 1, 4	● 1, 2, 3, 5	● 6	● 2, 6	○ 1, 4	○ 1, 3, 5		
Northeast	● 2, 3, 6	● 1, 3, 4, 6	● 5	● 1, 5	○ 2, 3, 6	○ 1, 3, 4, 6		○ 1
Northwest	● 1, 2		● 1, 2		○ 1, 2		○ 1, 2	
Rocky Mountain	● 3	● 2	● 3	● 1	○ 3	○ 2	○ 3	
Southeast	● 1, 2	● 1, 2			○ 1, 2	○ 1, 2		
Southwestern	● 1, 4, 6	● 2	● 1, 5, 6	● 5	○ 1, 6	○ 3	○ 1, 6	
Texas	● 1, 5, 7	● 2, 4, 6	● 1, 7	● 4, 6	○ 1, 7	○ 3	○ 1, 7	

* within the compact region

Compact Interpretations of Import and Export Authority over Commercial Low-Level Radioactive Waste

The low-level radioactive waste regional compacts adopted by the states and subsequently consented to by Congress contain various authorities by which the compact commissions may regulate the import and export of commercial low-level radioactive waste for disposal, storage, and treatment. Some compacts also restrict the use of non-regional facilities for these purposes. Each compact must be analyzed individually to determine its authorities.

The chart illustrates the authorities contained in each of the ten Congressionally approved compacts. The chart was reviewed by the appropriate compact officials for accuracy and reflects their views as to the interpretation of compact law.

The categories depicted on the chart represent compact officials' interpretations of their respective compacts' ability to control

- the import of low-level radioactive waste generated outside the compact region to regional facilities for disposal, storage and treatment;
- the export of low-level radioactive waste to facilities outside the compact region for disposal, storage and treatment;
- the import of low-level radioactive waste generated outside the compact region to non-regional facilities located in the region for disposal, storage and treatment; and
- the use/existence of non-regional facilities located in the compact region for disposal, storage and treatment of low-level radioactive waste generated in the region.

Footnote References

The articles of compacts referenced are those that contain the actual statutory authority for control over the import and export of waste to and from a region. Since such authority is often dependent on the definitions of key terms used in the compact, the definitions of terms such as *waste* and *facility* should be considered in determining the extent of a particular compact's authority.

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Appalachian States Low-Level Radioactive Waste Compact

Article 2. The Commission

1. (B) Powers and Duties.

The Commission:

- (n) Notwithstanding any other provision of this compact to the contrary, may, with the unanimous approval of the Commission members of the host state(s), enter into temporary agreements with non-party states or other regional boards for the emergency disposal of low-level waste at the regional facility, if so authorized by law(s) of the host state(s), or other disposal facilities located in states that are not parties to this agreement.

Article 4. Prohibited Acts and Penalties

2. (A) Prohibition.

It shall be unlawful for any person to dispose of low-level waste within the region except at a regional facility unless authorized by the Commission.

3. (B) Waste Disposed of Within Region.

After establishment of the regional facility(s), it shall be unlawful for any person to dispose of any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the Commission and by law of the host state in which said disposal takes place. For the purposes of this compact, waste generated within the region excludes radioactive material shipped from outside the party states to a waste management facility within the region. In determining whether to grant such authorization, the factors to be considered by the Commission shall include, but not be limited to, the following:

- (a) The impact on the health, safety and environmental quality of the citizens of the party states;
- (b) The impact of importing waste on the available capacity and projected life of the regional facility;
- (c) The availability of a regional facility appropriate for the safe disposal of the type of low-level waste involved.

4. (C) Waste Generated Within Region.

Any and all low-level waste generated within the region shall be disposed of at a regional facility, except for specific cases agreed upon by the Commission, with the affirmative votes by a majority of the Commission members of the host state(s) affected by the decision.

Central Interstate Low-Level Radioactive Waste Compact

Article III. Rights and Obligations

- g. Unless authorized by the Commission, it shall be unlawful after January 1, 1986, for any person:
 - 1. to deposit at a regional facility, waste not generated within the region;
 - 2. to accept at a regional facility, waste not generated in the region;
 - 2. to export from the region, waste which is generated in the region;
 - 3. to transport waste from the site at which it is generated, except to a regional facility.

Article IV. The Commission

- m. The Commission shall:
 - 4. 6. notwithstanding any other provisions of this compact, have the authority to enter into agreements with any person for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import or export waste requires the approval of the Commission, including the affirmative vote of any host state which may be affected;

Central Midwest Interstate Low-Level Radioactive Waste Compact

Article III. The Commission

- i) The Commission may:
1. 1) Enter into an agreement with any person to allow waste from outside the region to be disposed of at facilities in the region. However, no such agreement shall be effective unless and until ratified by a law enacted by the party state to which the waste would be sent for disposal.
 2. 2) Enter into an agreement with any person to allow waste described in Article VII(a)(6) to be treated, stored, or disposed of at regional facilities. However, no such agreement shall be effective unless and until ratified by a law enacted by the host state of the regional facility where the waste would be sent for treatment, storage, or disposal.
 3. 3) Enter into an agreement with any person to allow waste from outside the region to be treated or stored at facilities in the region. However, any such agreement shall be revoked as a matter of law if, within one year of the effective date of the agreement, a law is enacted ordering the revocation by the party state where the waste would be sent for treatment or storage.
 4. 4) Approve, or enter into an agreement with any person for, the export of waste from the region.
 5. 5) Approve the disposal of waste generated within the region at a facility in the region other than a regional facility, subject to the limitations of Articles V(f) and VII(a)(6).
 6. 6) Require that waste generated within the region be treated or stored at available regional facilities, subject to the limitations of Articles V(f), VII(a)(3), and VII(a)(6).

Article V. Rights and Obligations of Party States

7. b) ... All party states have an equal right of access to any facility outside the region made available to the region by any agreement entered into by the Commission pursuant to Article III(i)(4).
- c) Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to Commission approval under Article III(i)(4).

Article IX. Penalties

- b) Unless authorized by the Commission pursuant to Article III(i), or otherwise provided in this compact, after January 1, 1986 it is a violation of this compact;
 - 8. 1) for any person to deposit at a facility in the region waste from outside the region;
 - 2) for any facility in the region to accept waste from outside the region;
 - 9. 3) for any person to export from the region waste that is generated within the region;
 - 10. 4) for any person to dispose of waste at a facility other than a regional facility;
 - 11. c) It is a violation of this compact for any person to treat or store waste at a facility other than a regional facility if such treatment or storage is prohibited by the Commission under Article III(i)(6).

Midwest Interstate Low-Level Radioactive Waste Compact

Article III. The Commission

- h. The Commission may:
 - 1. Enter into an agreement with any person, state, or group of states for the right to use regional facilities for waste generated outside the region and for the right to use facilities outside the region for waste generated within the region. The right of any person to use a regional facility for waste generated outside of the region requires an affirmative vote of a majority of the Commission, including the affirmative vote of the member of the host state in which any affected regional facility is located.
 - 2. Approve the disposal of waste generated within the region at a facility other than a regional facility.

Article V. Rights and Obligations of Party States

- 3.
 - b. Each party state has the right to have all wastes generated within its borders managed at regional facilities subject to the provisions contained in Article IX.c. All party states have an equal right of access to any facility made available to the region by any agreement entered into by the Commission pursuant to Article III.
 - c. Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to Commission approval under Article III.

Article IX. Penalties

- b. Unless otherwise authorized by the Commission pursuant to Article III.h. after January 1, 1986, it is a violation of this compact:
 - 4.
 - 1. For any person to deposit at a regional facility waste not generated within the region;
 - 2. For any regional facility to accept waste not generated within the region.
 - 5.
 - 3. For any person to export from the region waste which is generated within the region.
 - 6.
 - 4. For any person to dispose of waste at a facility other than a regional facility.

Northeast Interstate Low-Level Radioactive Waste Management Compact

Article III. Rights and Obligations

- a. There shall be provided within the region one or more regional facilities which, together with such other facilities as may be made available to the region, will provide sufficient capacity to manage all wastes generated within the region.
 1. Regional facilities shall be entitled to waste generated within the region, unless otherwise provided by the Commission. To the extent regional facilities are available, no waste generated within a party state shall be exported to facilities outside the region unless such exportation is approved by the Commission and the affected host state(s).
 2. After January 1, 1986, no person shall deposit at a regional facility waste generated outside the region, and further, no regional facility shall accept waste generated outside the region, unless approved by the Commission and the affected host state(s).

Article IV. The Commission

- i. The Commission shall have the following duties and powers:
 3. 11. The Commission may enter into agreements with any person, state, regional body, or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of the representatives of the host state in which any affected regional facility is located. This shall be done only after the Commission and the host state have made an assessment of the affected facilities' capability to handle such wastes and of relevant environmental, economic, and public health factors, as defined by the appropriate regulatory authorities.
 4. 12. The Commission may, upon petition, grant an individual generator or group of generators in the region the right to export wastes to a facility located outside the region. Such grant of right shall be for a period of time and amount of waste and on such other terms and conditions as determined by the Commission and approved by the affected host states.

Article VIII. Penalties

- 5.** **b.** Without the express approval of the Commission, it shall be unlawful for any person to dispose of any low-level waste within the region except at a regional facility; provided, however, that this restriction shall not apply to waste which is permitted by applicable federal or state regulations to be discarded without regard to its radioactivity.
- 6.** **c.** Unless specifically approved by the Commission and affected host state(s) pursuant to Article IV, it shall be a violation of this compact for: 1) any person to deposit at a regional facility waste not generated within the region; 2) any regional facility to accept waste not generated within the region; and 3) any person to export from the region waste generated within the region.

Northwest Interstate Compact on Low-Level Radioactive Waste Management

Article IV. Regional Facilities

1. (2) No facility located in any party state may accept low-level waste generated outside of the region comprised of the party states, except as provided in article V.

Article V. Northwest Low-Level Waste Compact Committee

2. ... Notwithstanding any provision of article IV to the contrary, the committee may enter into arrangements with states, provinces, individual generators, or regional compact entities outside the region comprised of the party states for access to facilities on such terms and conditions as the committee may deem appropriate. However, it shall require a two-thirds (2/3) vote of all such members, including the affirmative vote of the member of any party state in which a facility affected by such arrangement is located, for the committee to enter into such arrangement.

Rocky Mountain Low-Level Radioactive Waste Compact

Article VII. Prohibited Acts and Penalties

1. (a) It shall be unlawful for any person to dispose of low-level waste within the region, except at a regional facility; provided, however, that a generator who, prior to January 1, 1982, had been disposing of only his own waste on his own property may, subject to applicable federal and state law, continue to do so.
2. (b) After January 1, 1986, it shall be unlawful for any person to export low-level waste which was generated within the region outside the region unless authorized to do so by the board. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:
 - (i) The economic impact of the export of the waste on the regional facilities;
 - (ii) The economic impact on the generator of refusing to permit the export of the waste; and
 - (iii) The availability of a regional facility appropriate for the disposal of the waste involved.
3. (c) After January 1, 1986, it shall be unlawful for any person to manage any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the board and by the state in which said management takes place. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:
 - (i) the impact of importing waste on the available capacity and projected life of the regional facilities;
 - (ii) the economic impact on the regional facilities; and
 - (iii) the availability of a regional facility appropriate for the disposal of the type of waste involved.

Southeast Interstate Low-Level Radioactive Waste Management Compact

Article 4. The Commission

- 1.** (E) The Commission has the following duties and powers:
 - 9.** Notwithstanding any other provision of this compact, to enter into agreements with any person, state, or similar regional body or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. The authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of both representatives of a host state in which any affected regional facility is located. This shall be done only after an assessment of the affected facility's capability to handle such wastes.
- 2.** (L) As of January 1, 1986, the management of wastes at regional facilities is restricted to wastes generated within the region, and to wastes generated within non-party states when authorized by the Commission pursuant to the provisions of this compact. After January 1, 1986, the Commission may prohibit the exportation of waste from the region for the purposes of management.

Southwestern Low-Level Radioactive Waste Compact

Article III. The Commission

(g) The Commission has all of the following duties and authority:

1. (19) The Commission may enter into an agreement to import low-level radioactive waste into the region only if both of the following requirements are met:
 - (a) The Commission approves the importation agreement by a two-thirds vote of the Commission.
 - (b) The Commission and the host state assess the affected regional disposal facilities' capability to handle imported low-level radioactive wastes and any relevant environmental or economic factors, as defined by the host state's appropriate regulatory authorities.
2. (20) The Commission may, upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level radioactive wastes to a low-level radioactive waste disposal facility located outside the region. The Commission may approve the petition only by a two-thirds vote of the Commission. The permission to export low-level radioactive wastes shall be effective for that period of time and for the amount of low-level radioactive waste, and subject to any other term or condition, which may be determined by the Commission.
3. (21) The Commission may approve, only by a two-thirds vote of the Commission, the exportation outside the region of material, which otherwise meets the criteria of low-level radioactive waste, if the sole purpose of the exportation is to process the material for recycling.

Article IV. Rights, Responsibilities, and Obligations of Party States

4. (F) Each party state is subject to the following duties and authority:
 - (8) Each party state shall agree that only low-level radioactive waste generated within the jurisdiction of the party states shall be disposed of in the regional disposal facility, except as provided in paragraph (19) of subdivision (G) of article III.

Article VI. Prohibited Acts and Penalties

5. (A) No person shall dispose of low-level radioactive waste within the region unless the disposal is at a regional disposal facility, except as otherwise provided in paragraphs (20) and (21) of subdivision (G) of article III.
6. (B) No person shall dispose of or manage any low-level radioactive waste within the region unless the low-level radioactive waste was generated within the region, except as provided in paragraphs (19), (20), and (21) of subdivision (g) of Article III.

Texas Low-Level Radioactive Waste Disposal Compact

Article III. The Commission

Sec. 3.05. The Commission may:

1. (6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.
2. (7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.
3. (8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

Article IV. Rights, Responsibilities, and Obligations of Party States

4. Sec. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.
5. Sec. 4.05. Each party state shall do the following:
 - (9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

Article VI. Prohibited Acts and Penalties

6. Sec. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.
7. Sec. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.