

STATE OF NEW YORK

9120

IN SENATE

April 29, 2024

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to adopting the Appalachian states radioactive waste compact

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 21 of the environmental conservation law is amended
2 by adding a new title 2 to read as follows:

TITLE 2

APPALACHIAN STATES RADIOACTIVE WASTE COMPACT

Section 21-0201. Appalachian states radioactive waste compact.

6 § 21-0201. Appalachian states radioactive waste compact. 1. The appa-
7 lachian states radioactive waste compact is hereby entered into and
8 enacted into law with all jurisdictions legally joining therein, in the
9 form substantially as follows:

Article 1

Definitions

12 As used in this compact, unless the context clearly indicated other-
13 wise:

14 (a) "Broker" means any intermediate person who handles, treats, proc-
15 esses, stores, packages, ships or otherwise has responsibility for or
16 possesses low-level waste obtained from a generator.

17 (b) "Carrier" means a person who transports low-level waste to a
18 regional facility.

19 (c) "Commission" means the Appalachian States Low-Level Radioactive
20 Waste Commission.

21 (d) "Disposal" means the isolation of low-level waste from the
22 biosphere.

23 (e) "Facility" means any real or personal property within the region,
24 and improvements thereof or thereon, and any and all plant structures,
25 machinery and equipment acquired, constructed, operated or maintained
26 for the management or disposal of low-level waste.

27 (f) "Generate" means to produce low-level waste requiring disposal.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (g) "Generator" means a person whose activity results in the
2 production of low-level waste requiring disposal.

3 (h) "Hazardous Life" means the time required for radioactive materials
4 to decay to safe levels, as defined by the time period for the concen-
5 tration of radioactive materials within a given container or package to
6 decay to maximum permissible concentrations as defined by Federal law or
7 by standards to be set by a host state, whichever is more restrictive.

8 (i) "Host state" means Pennsylvania or other party state so designated
9 by the Commission in accordance with Article 3 of this compact.

10 (j) "Institutional control period" means the time of the continued
11 observation, monitoring and care of the regional facility following
12 transfer of control from the operator to the custodial agency.

13 (k) "Low-level waste" means radioactive waste that:

14 (1) is neither high-level waste or transuranic waste, nor spent nucle-
15 ar fuel, nor by-product material as defined in Section 11(e)(2) of the
16 Atomic Energy Act of 1954 as amended; and

17 (2) is classified by the Federal Government as low-level waste,
18 consistent with existing law; but does not include waste generated as a
19 result of atomic energy defense activities of the Federal Government, as
20 defined in Public Law 96-573, or Federal research and development activ-
21 ities.

22 (l) "Management" means the reduction, collection, consolidation, stor-
23 age, packaging or treatment of low-level waste.

24 (m) "Operator" means a person who operates a regional facility.

25 (n) "Party state" means any state that has become a party in accord-
26 ance with Article 5 of this compact.

27 (o) "Person" means an individual, corporation, partnership or other
28 legal entity, whether public or private.

29 (p) "Region" means the combined geographical area within the bounda-
30 ries of the party states.

31 (q) "Regional facility" means a facility within any party state which
32 has been approved by the commission for the disposal of low-level waste.

33 (r) "Shallow land burial" means the disposal of low-level radioactive
34 waste directly in subsurface trenches without additional confinement in
35 engineered structures or by proper packaging in containers as determined
36 by the law of the host state.

37 (s) "Transuranic waste" means low-level waste containing radionuclides
38 with an atomic number greater than 92 which are excluded from shallow-
39 land burial by the Federal Government.

40 Article 2

41 The Commission

42 (A) Creation and Organization

43 (1) Creation--There is hereby created the Appalachian States Low-Level
44 Radioactive Waste Commission. The Commission is hereby created as a body
45 corporate and politic, with succession for the duration of this compact,
46 as an agency and instrumentality of the governments of the respective
47 signatory parties, but separate and distinct from the respective signa-
48 tory party states. The Commission shall have central offices located in
49 Pennsylvania.

50 (2) Commission Membership--The Commission shall consist of two voting
51 members from each party state to be appointed according to the laws of
52 each party state and two additional voting members from each host state
53 to be appointed according to the laws of each host state. Upon selection
54 of the site of the regional facility, an additional voting member shall
55 be appointed to the Commission who shall be a resident of the county or
56 municipality where the facility is to be located. The appointing author-

1 ity of each party state shall notify the Commission in writing of the
2 identities of the members and of any alternates. An alternate may vote
3 and act in the member's absence. No member shall have a financial inter-
4 est in any industry which generates low-level radioactive waste, any
5 low-level radioactive waste regional facility or any related industry
6 for the duration of the member's term. No more than one-half the members
7 and alternates from any party state shall have been employed by or be
8 employed by a low-level waste generator or related industry upon
9 appointment to or during their tenure of office; provided, that no
10 member shall have been employed by or be employed by a regional facility
11 operator. No member or alternate from any party state shall accept
12 employment from any regional facility operator or brokers for at least
13 three years after leaving office.

14 (3) Compensation--Members of the Commission and alternates shall serve
15 without compensation from the Commission but may be reimbursed for
16 necessary expenses incurred in and incident to the performance of their
17 duties.

18 (4) Voting Power--Each Commission member is entitled to one vote.
19 Unless otherwise provided in this compact, affirmative votes by a major-
20 ity of a host state's members are necessary for the Commission to take
21 any action related to the regional facility and the disposal and manage-
22 ment of low-level waste within that host state.

23 (5) Organization and Procedure--

24 (a) The Commission shall provide for its own organization and proce-
25 dures and shall adopt by-laws not inconsistent with this compact and any
26 rules and regulations necessary to implement this compact. It shall meet
27 at least once a year in the county selected to host a regional facility
28 and shall elect a chairman and vice chairman from among its members. In
29 the absence of the chairman, the vice chairman shall serve.

30 (b) All meetings of the Commission shall be open to the public with at
31 least 14 days' advance notice, except that the chairman may convene an
32 emergency meeting with less advance notice. Each municipality and county
33 selected to host a regional facility shall be specifically notified in
34 advance of all Commission meetings. All meetings of the Commission shall
35 be conducted in a manner that substantially conforms to the Administra-
36 tive Procedure Act (5 U.S.C. Ch.5, Subch.1I, and Ch.'7). The Commission
37 may, by a two-thirds vote, including approval of a majority of each host
38 state's Commission members, hold an Executive Session closed to the
39 public for the purpose of: considering or discussing legally privileged
40 or proprietary information; to consider dismissal, disciplining of or
41 hearing complaints or charges brought against an employee or other
42 public agent unless such person requests such public hearing; or to
43 consult with its attorney regarding information or strategy in
44 connection with specific litigation. The reason for the Executive
45 Session must be announced at least 14 days prior to the Executive
46 Session, except that the chairman may convene an emergency meeting with
47 less advance notice, in which case the reason for the Executive Session
48 must be announced at the open meeting immediately-subsequent to the
49 Executive Session. All action taken in violation of this open meeting
50 provision shall be null and void.

51 (c) Detailed written minutes shall be kept of all meetings of the
52 Commission. All decisions, files, records and data of the Commission,
53 except for information privileged against introduction in judicial
54 proceedings, personnel records and minutes of a properly convened Execu-
55 tive Session, shall be open to public inspection subject to a procedure
56 that substantially conforms to the Freedom of Information Act (Public

1 Law 89-554, 5 U.S.C. § 552) and applicable Pennsylvania law and may be
2 copied upon request and payment of fees which shall be no higher than
3 necessary to recover copying costs.

4 (d) The Commission shall select an appropriate staff, including an
5 Executive Director, to carry out the duties and functions assigned by
6 the Commission. Notwithstanding any other provision of law, the Commis-
7 sion may hire and/or retain its own legal counsel.

8 (e) Any person aggrieved by a final decision of the Commission which
9 adversely affects the legal rights, duties or privileges of such person
10 may petition a court of competent jurisdiction, within 60 days after the
11 Commission's final decision, to obtain judicial review of said final
12 decisions.

13 (f) Liabilities of the Commission shall not be deemed liabilities of
14 the party states. Members of the Commission shall not be personally
15 liable for actions taken in their official capacity.

16 B. Powers and Duties

17 The Commission:

18 (a) Shall conduct research and establish regulations to promote a
19 reasonable reduction of volume and curie content of low-level wastes
20 generated in the region. The regulations shall be reviewed and, if
21 necessary, revised by the Commission at least annually.

22 (b) Shall ensure, to the extent authorized by Federal law, that low-
23 level wastes are safely disposed of within the region except that the
24 Commission shall have no power or authority to license, regulate or
25 otherwise develop a regional facility, such powers and authority being
26 reserved for the host state(s) as permitted under the law.

27 (c) Shall designate as "host states" any party state which generates
28 25 percent or more of Pennsylvania's volume or total curie content of
29 low-level waste generated based on a comparison of averages over three
30 successive years, as determined by the Commission. This determination
31 shall be based on volume or total curie content, whichever is greater.

32 (d) Shall ensure, to the extent authorized by Federal law, that low-
33 level waste packages brought into the regional facility for disposal
34 conform to applicable state and Federal regulations. Low-level waste
35 brokers or generators who violate these regulations will be subject to a
36 fine or other penalty imposed by the Commission, including restricted
37 access to a regional facility. The Commission may impose such fines
38 and/or penalties in addition to any other penalty levied by the party
39 states pursuant to Article 4(D).

40 (e) Shall establish such advisory committees as it deems necessary for
41 the purpose of advising the Commission on matters pertaining to the
42 management and disposal of low-level waste.

43 (f) May contract to accomplish its duties and effectuate its powers
44 subject to projected available resources. No contract made by the
45 Commission shall bind a party state.

46 (g) Shall prepare contingency plans for management and disposal of
47 low-level waste in the event any regional facility should be closed or
48 otherwise unavailable.

49 (h) Shall examine all records of operators of regional facilities
50 pertaining to operating costs, profits or the assessment or collection
51 of any charge, fee or surcharge and may make recommendations to the host
52 state(s) which shall review the recommendations in accordance with its
53 (their) own sovereign laws.

54 (i) Shall have the power to sue and be sued subject to Article
55 2(A)(5)(e) and may seek to intervene in any administrative or judicial
56 proceeding.

1 (j) Shall assemble and make available, to the party states and to the
2 public, information concerning low-level waste management and disposal
3 needs, technologies and problems.

4 (k) Shall keep current and annual inventories of all generators by
5 name and quantity of low-level waste generated within the region, based
6 upon information provided by the party states. Inventory information
7 shall include both volume in cubic feet and total curie content of the
8 low-level waste and all available information on chemical composition
9 and toxicity of such wastes.

10 (l) Shall keep an inventory of all regional facilities and specialized
11 facilities, including, but not necessarily restricted to, information on
12 their size, capacity and location, as well as specific wastes capable of
13 being managed, and the projected useful life of each regional facility.

14 (m) Shall make and publish an annual report to the governors of the
15 signatory party states and to the public detailing its programs, oper-
16 ations and finances, including copies of the annual budget and the inde-
17 pendent audit required by this compact.

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

25 (o) Shall promulgate regulations, pursuant to host state law, to
26 specifically govern and define exactly what would constitute an emergen-
27 cy situation and exactly what restrictions and limitations would be
28 placed on temporary agreements.

29 (p) Shall not accept any donations, grants, equipment, supplies, mate-
30 rials or services, conditional or otherwise, from any source, except
31 from any Federal agency and from party states which are certified as
32 being legal and proper under the laws of the donating party state.

33 (C) Budget and Operation

34 (1) Fiscal Year - The Commission shall establish a fiscal year which
35 conforms to the fiscal year of the Commonwealth of Pennsylvania.

36 (2) Current Expense Budget - Upon legislative enactment of this
37 compact by two party states and each year until the regional facility
38 becomes available, the Commission shall adopt a current expense budget
39 for its fiscal year. The budget shall include the Commission's estimated
40 expenses for administration. Such expenses shall be allocated to the
41 party states according to the following formula:

42 Each designated initial host state will be allocated costs equal to
43 twice the costs of the other party states, but such costs will not
44 exceed \$200,000.

45 Each remaining party state will be allocated a cost of one half the
46 cost of the initial host state, but such costs will not exceed \$100,000.
47 The party states will include the amounts allocated above in their
48 respective budgets, subject to such review and approval as may be
49 required by their respective budgetary processes. Such amounts shall be
50 due and payable to the Commission in quarterly installments during the
51 fiscal year.

52 (3) Annual Budget Request - For continued funding of its activities
53 the Commission shall submit an annual budget request to each party state
54 for funding, based upon the percentage of the region's waste generated
55 in each state in the region, as reported in the latest available annual
56 inventory required under Article 2(B)(k). The percentage of waste shall

1 be based on volume of waste or total curie content as determined by the
2 Commission.

3 (4) Annual Report to Include Budget - The Commission shall prepare and
4 include in the annual report a budget showing anticipated receipts and
5 disbursements for the ensuing year.

6 (5) Annual Independent Audit--

7 (a) As soon as practicable after the closing of the fiscal year, an
8 audit shall be made of the financial accounts of the Commission. The
9 audit shall be made by qualified certified public accountants selected
10 by the Commission, who have no personal direct or indirect interest in
11 the financial affairs of the Commission or any of its officers or
12 employees. The report of audit shall be prepared in accordance with
13 accepted accounting practices and shall be filed with the chairman and
14 such other officers as the Commission shall direct. Copies of the report
15 shall be distributed to each Commission member and shall be made avail-
16 able for public distribution.

17 (b) Each signatory party, by its duly authorized officers, shall be
18 entitled to examine and audit at any time all of the books, documents,
19 records, files and accounts and all other papers, things or property of
20 the Commission. The representatives of the signatory parties shall have
21 access to all books, documents, records, accounts, reports, files and
22 all other papers, things or property belonging to or in use by the
23 Commission and necessary to facilitate the audit; and they shall be
24 afforded full facilities for verifying transactions with the balances or
25 securities held by depositaries, fiscal agents and custodians.

26 Article 3

27 Rights, Responsibilities and Obligations of Party States

28 (A) Regional Facilities

29 There shall be regional facilities sufficient to dispose of the low-
30 level waste generated within the region. Each regional facility shall be
31 capable of disposing of such low-level waste but in the form(s) required
32 by regulations or license conditions. Specialized facilities for partic-
33 ular types of low-level waste management, reduction or treatment may not
34 be developed in any party state unless they are in accordance with the
35 laws and regulations of such state and applicable Federal laws and regu-
36 lations.

37 (B) Equal Access to Regional Facilities

38 Each party state shall have equal access as other party states to
39 regional facilities located within the region and accepting low-level
40 waste, provided, however, that the host state may close the regional
41 facility located within its borders when necessary for public health and
42 safety. However, a host state shall send notification to the Commission
43 in writing within three (3) days of its action and shall, within thirty
44 (30) working days, provide in writing the reasons for the closing.

45 (C) Initial Host State

46 Pennsylvania and party states which generated 25 percent or more of the
47 volume or curies of low-level waste generated by Pennsylvania, based on
48 a comparison of averages over the three years 1982 through 1984, are
49 designated as "initial host states" and are required to develop and host
50 low-level waste sites as regional facilities. The percentage of waste
51 from each state shall be determined by cubic foot volume or total curie
52 content, whichever is greater.

53 (D) Exemption From Being Initial Host Site

54 Party states which generated less than 25 percent of the volume or
55 curies of low-level waste generated by Pennsylvania, based on a compar-
56 ison of averages over the years 1982 through 1984, shall be exempt from

initial host state responsibilities. These states shall continue to be exempt as long as they generate less than the 25 percent threshold over successive 3-year periods. Once a state generates an average of 25 percent or more of the volume or curies generated by Pennsylvania over a successive 3-year period, it shall be designated as a "host state" for a 30-year period by the Commission and shall immediately initiate development, of a regional facility to be operational within five years. Such host state shall be prepared to accept at its regional facility low-level waste at least equal to that generated in the state. With Commission approval, any party state may volunteer to host a regional facility. The percentage of waste from each state shall be determined by either a cubic foot volume or total curie content, whichever is greater.

(E) Useful Life of Regional Facilities

Pennsylvania and other host states are obligated to develop regional facilities for the duration of this compact. All regional facilities shall be designed for at least a 30-year useful life. At the end of the facility's life, normal closure and maintenance procedures shall be initiated in accordance with the applicable requirements of the host state and the Federal Government. Each host state's obligation for operating regional facilities shall remain as long as the state continues to produce over a 3-year period 25 percent or more of the volume or curies of low-level waste generated by Pennsylvania.

(F) Duties of Host State

Each host state shall:

(a) Cause a regional facility to be sited and developed on a timely basis

(b) Ensure by law, consistent with applicable state and Federal law, the protection and preservation of public health, safety and environmental quality in the siting, design, development, licensure or other regulation, operation, closure, decommissioning, long-term care and the institutional control period of the regional facility within the state. To the extent authorized by Federal law, a host state may adopt more stringent laws, rules or regulations than required by Federal law.

(c) Ensure and maintain a manifest system which documents all waste-related activities of generators, brokers, carriers and related activities of generators, brokers, carriers and operators, and establish the chain of custody of waste from its initial generation to the end of its hazardous life. Copies of all such manifests shall be submitted to the Commission on a timely basis.

(d) Ensure that charges for disposal of low-level waste at the regional facility are sufficient to fully fund the safe disposal and perpetual care of the regional facility and that charges are assessed without discrimination as to the party state of origin.

(e) Submit an annual report to the Commission on the status of the regional facility which contains projections of the anticipated future capacity.

(f) Notify the Commission immediately if any exigency arises requiring the possible temporary or permanent closure of a regional facility within the state at a time earlier than was projected in the state's most recent annual report to the Commission.

(g) Require that the institutional control period of any disposal facility be at least as long as the hazardous life, as defined in Article 1(h), of the radioactive materials that are disposed at that facility.

1 (h) Prohibit the use of any shallow land burial, as defined in Article
2 1(r), and develop alternative means for treatment, storage and disposal
3 of low-level waste.

4 (i) Establish by law, to the extent not prohibited by Federal law,
5 requirements for financial responsibility, including, but not limited
6 to:

7 (i) Requirements for the purchase and maintenance of adequate insur-
8 ance by generators, brokers, carriers and operators of the regional
9 facility;

10 (ii) Requirements for the establishment of a long-term care fund to be
11 funded by a fee placed on generators to pay for preventative or correc-
12 tive measures of low-level waste to the regional facility; and

13 (iii) Any further financial responsibility requirements that shall be
14 submitted by generators, brokers, carriers and operators as deemed
15 necessary by the host state.

16 (G) Duties of Party State

17 Each party state:

18 (a) Shall appropriate its portion of the Commission's initial and
19 annual budget as set out in Article 2(C)(2) and (3).

20 (b) To the extent authorized by Federal law, shall develop and enforce
21 procedures requiring low-level waste shipments originating within its
22 borders and destined for a regional facility to conform to volume
23 reduction, packaging and transportation requirements and regulations as
24 well as any other requirements specified by the regional facility. Such
25 procedures shall include, but are not limited to:

26 (i) Periodic inspections of packaging and shipping practices

27 (ii) Periodic inspections of low-level waste containers while in
28 custody of carriers; and

29 (iii) Appropriate enforcement actions with respect to violations

30 (c) To the extent authorized by Federal law, shall, after receiving
31 notification from a host state or other person that a person in a party
32 state has violated volume reduction, packaging, shipping or transporta-
33 tion requirements or regulations, take appropriate action to ensure that
34 violations do not recur. Appropriate action shall include, but is not
35 limited to, the requirement that a bond be posted by the violator to pay
36 the cost of repackaging at the regional facility and the requirement
37 that future shipments be inspected. Appropriate action may also include
38 suspension of the violator's use of the regional facility. Should such
39 suspension be imposed, the suspension shall remain in effect until such
40 time as the violator has, to the satisfaction of the party state impos-
41 ing such suspension, complied with the appropriate requirements or regu-
42 lations upon which the suspension was based and has taken appropriate
43 action to ensure that such violation or violations do not recur.

44 (d) Shall maintain a registry of all generators and quantities gener-
45 ated within the state.

46 (H) Liability

47 In the event of liability arising from the operation of any regional
48 facility and during and after closure of that facility, each party state
49 shall share in that liability in an amount equal to that state's share
50 of the region's low-level waste disposed of at the facility. If such
51 liability arises from negligence, malfeasance or neglect on the part of
52 a host state or any party state, then any other host or party state(s)
53 may make any claim allowable under law for that negligence, malfeasance
54 or neglect. If such liability arises from a particular waste shipment or
55 shipments to, or quantity of waste or condition at, the regional facili-
56 ty, then any host or party state may make any claim allowable under law

1 for such liability. The percentage of waste shall be based on volume of
2 waste or total curie content.

3 (I) Failure of Party State to Fulfill Obligations.

4 A party state which fails to fulfill its obligations, including timely
5 funding of the Commission, may have its privileges under the Compact
6 suspended or its membership in the Compact revoked by the Commission and
7 be subject to any other legal and equitable remedies available to the
8 party states.

9 Article 4

10 Prohibited Acts and Penalties

11 (A) Prohibition

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

15 (B) Waste Disposed of Within Region.

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

25 (a) The impact on health, safety, and environmental quality of the
26 citizens of the party states;

27 (b) The impact of importing waste on the available capacity and
28 projected life of the regional facility

29 (c) The availability of a regional facility appropriate for the safe
30 disposal of the type of low-level waste involved

31 (C) Waste Generated Within Region Any and all low-level waste gener-
32 ated within the region shall be disposed of at a regional facility,
33 except for specific cases agreed upon by the Commission, with the affir-
34 mative votes by a majority of the Commission members of the host
35 state(s) affected by the decision.

36 (D) Liability.

37 Generators, brokers and carriers of wastes, and owners and operators
38 of sites shall be liable for their acts, omissions, conduct or relation-
39 ships in accordance with all laws relating thereto. The party states
40 shall impose a fine for any violation in an amount equal to the present
41 and future costs associated with correcting any harm caused by the
42 violation and shall assess punitive fines or penalties if it is deemed
43 necessary. In addition, the host state shall bar any person who
44 violates host state or Federal regulations from using the regional
45 facility until that person demonstrates to the satisfaction of the host
46 state the ability and willingness to comply with the law.

47 (E) Conflict of Interest.

48 (1) Prohibitions--

49 No commissioner, officer, or employer shall:

50 (a) Be financially interested, either directly or indirectly, in a
51 contract, sale, purchase, lease or transfer of real or personal property
52 to which the Commission is a party.

53 (b) Solicit or accept money or any other thing of value in addition to
54 the expenses paid to him by the commission for services performed within
55 the scope of his official duties.

(c) Offer money or anything of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Commission.

(2) Forfeiture of Office of Employment -

Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit his office or employment.

(3) Agreement Void -

Any contract or agreement knowingly made in contravention of this section is void.

(4) Criminal and Civil Sanctions-

Officers and employees of the Commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

Article 5

Eligibility, Entry Into Effect, Congressional Consent, Withdrawal

(A) Eligibility

Only the States of Pennsylvania, West Virginia, Delaware, and Maryland are eligible to become parties to this compact.

(B) Entry Into Effect

An eligible state may become a party state by legislative enactment of this compact or by executive order of the governor adopting this compact; provided, however, a state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened thereafter, unless the legislature shall have enacted this compact before such adjournment.

(C) Congressional Consent

This compact shall take effect when it has been enacted by the legislatures of Pennsylvania and one or more eligible states. However, Article 4(B) and (C) shall not take effect until Congress has consented to this compact. Every fifth year after such consent has been given, Congress may withdraw consent.

(D) Withdrawal

A party state may withdraw from the compact by repealing the enactment of this compact, but no such withdrawal shall become effective until two years after enactment of the repealing legislation. If the withdrawing state is a host state, any regional facility in that state shall remain available to receive low-level waste generated within the region until five years after the effective date of the withdrawal.

Article 6

Construction and Severability

(A) Construction

The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party state shall not unnecessarily be infringed.

(B) Severability

If any part or application of this compact is held invalid, the remainder, or its application to other situation or persons, shall not be affected.

§ 2. This act shall take effect immediately.