

# STATE OF NEW YORK

5833

2025-2026 Regular Sessions

## IN SENATE

March 3, 2025

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:

3 TITLE 2

4 APPALACHIAN STATES RADIOACTIVE WASTE COMPACT

5 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:

10 Article 1

11 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,

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

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1 machinery and equipment acquired, constructed, operated or maintained  
2 for the management or disposal of low-level waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 43 Article 2

### 44 The Commission

#### 45 (A) Creation and Organization

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

53 (2) Commission Membership--The Commission shall consist of two voting  
54 members from each party state to be appointed according to the laws of  
55 each party state and two additional voting members from each host state  
56 to be appointed according to the laws of each host state. Upon selection

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

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

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

26 (5) Organization and Procedure--

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

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

54 (c) Detailed written minutes shall be kept of all meetings of the  
55 Commission. All decisions, files, records and data of the Commission,  
56 except for information privileged against introduction in judicial

1 proceedings, personnel records and minutes of a properly convened Execu-  
2 tive Session, shall be open to public inspection subject to a procedure  
3 that substantially conforms to the Freedom of Information Act (Public  
4 Law 89-554, 5 U.S.C. § 552) and applicable Pennsylvania law and may be  
5 copied upon request and payment of fees which shall be no higher than  
6 necessary to recover copying costs.

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

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

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

#### 19 B. Powers and Duties

##### 20 The Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 36 (C) Budget and Operation

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

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

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

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

55 (3) Annual Budget Request - For continued funding of its activities  
56 the Commission shall submit an annual budget request to each party state

1 for funding, based upon the percentage of the region's waste generated  
2 in each state in the region, as reported in the latest available annual  
3 inventory required under Article 2(B)(k). The percentage of waste shall  
4 be based on volume of waste or total curie content as determined by the  
5 Commission.

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

9 (5) Annual Independent Audit--

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

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

29 Article 3

30 Rights, Responsibilities and Obligations of Party States

31 (A) Regional Facilities

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

40 (B) Equal Access to Regional Facilities

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

48 (C) Initial Host State

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

56 (D) Exemption From Being Initial Host Site

1 Party states which generated less than 25 percent of the volume or  
2 curies of low-level waste generated by Pennsylvania, based on a compar-  
3 ison of averages over the years 1982 through 1984, shall be exempt from  
4 initial host state responsibilities. These states shall continue to be  
5 exempt as long as they generate less than the 25 percent threshold over  
6 successive 3-year periods. Once a state generates an average of 25  
7 percent or more of the volume or curies generated by Pennsylvania over a  
8 successive 3-year period, it shall be designated as a "host state" for a  
9 30-year period by the Commission and shall immediately initiate develop-  
10 ment, of a regional facility to be operational within five years. Such  
11 host state shall be prepared to accept at its regional facility low-lev-  
12 el waste at least equal to that generated in the state. With Commission  
13 approval, any party state may volunteer to host a regional facility. The  
14 percentage of waste from each state shall be determined by either a  
15 cubic foot volume or total curie content, whichever is greater.

16 (E) Useful Life of Regional Facilities

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

26 (F) Duties of Host State

27 Each host state shall:

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

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

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

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

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

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

54 (g) Require that the institutional control period of any disposal  
55 facility be at least as long as the hazardous life, as defined in Arti-

1 cle 1(h), of the radioactive materials that are disposed at that facili-  
2 ty.

3 (h) Prohibit the use of any shallow land burial, as defined in Article  
4 1(r), and develop alternative means for treatment, storage and disposal  
5 of low-level waste.

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

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

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

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

18 (G) Duties of Party State

19 Each party state:

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

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

28 (i) Periodic inspections of packaging and shipping practices

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

31 (iii) Appropriate enforcement actions with respect to violations

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

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

48 (H) Liability

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

1 shipments to, or quantity of waste or condition at, the regional facili-  
2 ty, then any host or party state may make any claim allowable under law  
3 for such liability. The percentage of waste shall be based on volume of  
4 waste or total curie content.

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

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

11 Article 4

12 Prohibited Acts and Penalties

13 (A) Prohibition

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

17 (B) Waste Disposed of Within Region.

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

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

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

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

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

38 (D) Liability.

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

49 (E) Conflict of Interest.

50 (1) Prohibitions--

51 No commissioner, officer, or employer shall:

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

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

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

7 (2) Forfeiture of Office of Employment -

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

10 (3) Agreement Void -

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

13 (4) Criminal and Civil Sanctions-

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

18 Article 5

19 Eligibility, Entry Into Effect, Congressional Consent, Withdrawal

20 (A) Eligibility

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

23 (B) Entry Into Effect

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

30 (C) Congressional Consent

31 This compact shall take effect when it has been enacted by the legis-  
32 latures of Pennsylvania and one or more eligible states. However, Arti-  
33 cle 4(B) and (C) shall not take effect until Congress has consented to  
34 this compact. Every fifth year after such consent has been given,  
35 Congress may withdraw consent.

36 (D) Withdrawal

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

43 Article 6

44 Construction and Severability

45 (A) Construction

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

49 (B) Severability

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

53 § 2. This act shall take effect immediately.