

Calendar No. 197

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 629**

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**AN ACT**

To grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

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OCTOBER 8, 1997

Received; read twice and placed on the calendar

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105TH CONGRESS  
1ST SESSION

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IN THE SENATE OF THE UNITED STATES

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**AN ACT**

To grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Texas Low-Level Ra-  
3 dioactive Waste Disposal Compact Consent Act”.

4 **SEC. 2. CONGRESSIONAL FINDING.**

5 The Congress finds that the compact set forth in sec-  
6 tion 5 is in furtherance of the Low-Level Radioactive  
7 Waste Policy Act (42 U.S.C. 2021b et seq.).

8 **SEC. 3. CONDITIONS OF CONSENT TO COMPACT.**

9 The consent of the Congress to the compact set forth  
10 in section 5—

11 (1) shall become effective on the date of the en-  
12 actment of this Act;

13 (2) is granted subject to the provisions of the  
14 Low-Level Radioactive Waste Policy Act (42 U.S.C.  
15 2021b et seq.);

16 (3) is granted only for so long as the regional  
17 commission established in the compact complies with  
18 all of the provisions of such Act; and

19 (4) is granted only for so long as no low-level  
20 radioactive waste is brought into Texas from any  
21 State other than Maine or Vermont.

22 **SEC. 4. CONGRESSIONAL REVIEW.**

23 The Congress may alter, amend, or repeal this Act  
24 with respect to the compact set forth in section 5 after  
25 the expiration of the 10-year period following the date of

1 the enactment of this Act, and at such intervals thereafter  
2 as may be provided in such compact.

3 **SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL**  
4 **COMPACT.**

5 In accordance with section 4(a)(2) of the Low-Level  
6 Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)),  
7 the consent of the Congress is given to the States of  
8 Texas, Maine, and Vermont to enter into the Texas Low-  
9 Level Radioactive Waste Disposal Compact. Such compact  
10 is substantially as follows:

11 “TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL  
12 COMPACT

13 “ARTICLE I. POLICY AND PURPOSE

14 “SEC. 1.01. The party states recognize a responsibil-  
15 ity for each state to seek to manage low-level radioactive  
16 waste generated within its boundaries, pursuant to the  
17 Low-Level Radioactive Waste Policy Act, as amended by  
18 the Low-Level Radioactive Waste Policy Amendments Act  
19 of 1985 (42 U.S.C. 2021b–2021j). They also recognize  
20 that the United States Congress, by enacting the Act, has  
21 authorized and encouraged states to enter into compacts  
22 for the efficient management and disposal of low-level ra-  
23 dioactive waste. It is the policy of the party states to co-  
24 operate in the protection of the health, safety, and welfare  
25 of their citizens and the environment and to provide for  
26 and encourage the economical management and disposal

1 of low-level radioactive waste. It is the purpose of this  
2 compact to provide the framework for such a cooperative  
3 effort; to promote the health, safety, and welfare of the  
4 citizens and the environment of the party states; to limit  
5 the number of facilities needed to effectively, efficiently,  
6 and economically manage low-level radioactive waste and  
7 to encourage the reduction of the generation thereof; and  
8 to distribute the costs, benefits, and obligations among the  
9 party states; all in accordance with the terms of this com-  
10 pact.

11 “ARTICLE II. DEFINITIONS

12 “SEC. 2.01. As used in this compact, unless the con-  
13 text clearly indicates otherwise, the following definitions  
14 apply:

15 “(1) ‘Act’ means the Low-Level Radioactive  
16 Waste Policy Act, as amended by the Low-Level Ra-  
17 dioactive Waste Policy Amendments Act of 1985 (42  
18 U.S.C. 2021b–2021j).

19 “(2) ‘Commission’ means the Texas Low-Level  
20 Radioactive Waste Disposal Compact Commission  
21 established in Article III of this compact.

22 “(3) ‘Compact facility’ or ‘facility’ means any  
23 site, location, structure, or property located in and  
24 provided by the host state for the purpose of man-  
25 agement or disposal of low-level radioactive waste for  
26 which the party states are responsible.

1           “(4) ‘Disposal’ means the permanent isolation  
2 of low-level radioactive waste pursuant to require-  
3 ments established by the United States Nuclear Reg-  
4 ulatory Commission and the United States Environ-  
5 mental Protection Agency under applicable laws, or  
6 by the host state.

7           “(5) ‘Generate,’ when used in relation to low-  
8 level radioactive waste, means to produce low-level  
9 radioactive waste.

10           “(6) ‘Generator’ means a person who produces  
11 or processes low-level radioactive waste in the course  
12 of its activities, excluding persons who arrange for  
13 the collection, transportation, management, treat-  
14 ment, storage, or disposal of waste generated outside  
15 the party states, unless approved by the commission.

16           “(7) ‘Host county’ means a county in the host  
17 state in which a disposal facility is located or is  
18 being developed.

19           “(8) ‘Host state’ means a party state in which  
20 a compact facility is located or is being developed.  
21 The State of Texas is the host state under this com-  
22 pact.

23           “(9) ‘Institutional control period’ means that  
24 period of time following closure of the facility and  
25 transfer of the facility license from the operator to

1 the custodial agency in compliance with the appro-  
2 priate regulations for long-term observation and  
3 maintenance.

4 “(10) ‘Low-level radioactive waste’ has the  
5 same meaning as that term is defined in Section  
6 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host  
7 state statute so long as the waste is not incompatible  
8 with management and disposal at the compact facil-  
9 ity.

10 “(11) ‘Management’ means collection, consoli-  
11 dation, storage, packaging, or treatment.

12 “(12) ‘Operator’ means a person who operates  
13 a disposal facility.

14 “(13) ‘Party state’ means any state that has  
15 become a party in accordance with Article VII of  
16 this compact. Texas, Maine, and Vermont are initial  
17 party states under this compact.

18 “(14) ‘Person’ means an individual, corpora-  
19 tion, partnership or other legal entity, whether pub-  
20 lic or private.

21 “(15) ‘Transporter’ means a person who trans-  
22 ports low-level radioactive waste.

23 “ARTICLE III. THE COMMISSION

24 “SEC. 3.01. There is hereby established the Texas  
25 Low-Level Radioactive Waste Disposal Compact Commis-  
26 sion. The commission shall consist of one voting member

1 from each party state except that the host state shall be  
2 entitled to six voting members. Commission members shall  
3 be appointed by the party state governors, as provided by  
4 the laws of each party state. Each party state may provide  
5 alternates for each appointed member.

6       “SEC. 3.02. A quorum of the commission consists of  
7 a majority of the members. Except as otherwise provided  
8 in this compact, an official act of the commission must  
9 receive the affirmative vote of a majority of its members.

10       “SEC. 3.03. The commission is a legal entity separate  
11 and distinct from the party states and has governmental  
12 immunity to the same extent as an entity created under  
13 the authority of Article XVI, Section 59, of the Texas  
14 Constitution. Members of the commission shall not be per-  
15 sonally liable for actions taken in their official capacity.  
16 The liabilities of the commission shall not be deemed li-  
17 abilities of the party states.

18       “SEC. 3.04. The commission shall:

19               “(1) Compensate its members according to the  
20 host state’s law.

21               “(2) Conduct its business, hold meetings, and  
22 maintain public records pursuant to laws of the host  
23 state, except that notice of public meetings shall be  
24 given in the non-host party states in accordance with  
25 their respective statutes.

1           “(3) Be located in the capital city of the host  
2 state.

3           “(4) Meet at least once a year and upon the  
4 call of the chair, or any member. The governor of  
5 the host state shall appoint a chair and vice-chair.

6           “(5) Keep an accurate account of all receipts  
7 and disbursements. An annual audit of the books of  
8 the commission shall be conducted by an independ-  
9 ent certified public accountant, and the audit report  
10 shall be made a part of the annual report of the  
11 commission.

12           “(6) Approve a budget each year and establish  
13 a fiscal year that conforms to the fiscal year of the  
14 host state.

15           “(7) Prepare, adopt, and implement contin-  
16 gency plans for the disposal and management of low-  
17 level radioactive waste in the event that the compact  
18 facility should be closed. Any plan which requires  
19 the host state to store or otherwise manage the low-  
20 level radioactive waste from all the party states must  
21 be approved by at least four host state members of  
22 the commission. The commission, in a contingency  
23 plan or otherwise, may not require a non-host party  
24 state to store low-level radioactive waste generated  
25 outside of the state.

1           “(8) Submit communications to the governors  
2           and to the presiding officers of the legislatures of  
3           the party states regarding the activities of the com-  
4           mission, including an annual report to be submitted  
5           on or before January 31 of each year.

6           “(9) Assemble and make available to the party  
7           states, and to the public, information concerning  
8           low-level radioactive waste management needs, tech-  
9           nologies, and problems.

10           “(10) Keep a current inventory of all genera-  
11           tors within the party states, based upon information  
12           provided by the party states.

13           “(11) By no later than 180 days after all mem-  
14           bers of the commission are appointed under Section  
15           3.01 of this article, establish by rule the total vol-  
16           ume of low-level radioactive waste that the host state  
17           will dispose of in the compact facility in the years  
18           1995–2045, including decommissioning waste. The  
19           shipments of low-level radioactive waste from all  
20           non-host party states shall not exceed 20 percent of  
21           the volume estimated to be disposed of by the host  
22           state during the 50-year period. When averaged over  
23           such 50-year period, the total of all shipments from  
24           non-host party states shall not exceed 20,000 cubic  
25           feet a year. The commission shall coordinate the vol-

1       umes, timing, and frequency of shipments from gen-  
2       erators in the non-host party states in order to as-  
3       sure that over the life of this agreement shipments  
4       from the non-host party states do not exceed 20 per-  
5       cent of the volume projected by the commission  
6       under this paragraph.

7       “SEC. 3.05. The commission may:

8               “(1) Employ staff necessary to carry out its du-  
9       ties and functions. The commission is authorized to  
10      use to the extent practicable the services of existing  
11      employees of the party states. Compensation shall be  
12      as determined by the commission.

13              “(2) Accept any grants, equipment, supplies,  
14      materials, or services, conditional or otherwise, from  
15      the federal or state government. The nature, amount  
16      and condition, if any, of any donation, grant or  
17      other resources accepted pursuant to this paragraph  
18      and the identity of the donor or grantor shall be de-  
19      tailed in the annual report of the commission.

20              “(3) Enter into contracts to carry out its duties  
21      and authority, subject to projected resources. No  
22      contract made by the commission shall bind a party  
23      state.

24              “(4) Adopt, by a majority vote, bylaws and  
25      rules necessary to carry out the terms of this com-

1 pact. Any rules promulgated by the commission shall  
2 be adopted in accordance with the Administrative  
3 Procedure and Texas Register Act (Article 6252–  
4 13a, Vernon’s Texas Civil Statutes).

5 “(5) Sue and be sued and, when authorized by  
6 a majority vote of the members, seek to intervene in  
7 administrative or judicial proceedings related to this  
8 compact.

9 “(6) Enter into an agreement with any person,  
10 state, regional body, or group of states for the im-  
11 portation of low-level radioactive waste into the com-  
12 pact for management or disposal, provided that the  
13 agreement receives a majority vote of the commis-  
14 sion. The commission may adopt such conditions  
15 and restrictions in the agreement as it deems advis-  
16 able.

17 “(7) Upon petition, allow an individual genera-  
18 tor, a group of generators, or the host state of the  
19 compact, to export low-level waste to a low-level ra-  
20 dioactive waste disposal facility located outside the  
21 party states. The commission may approve the peti-  
22 tion only by a majority vote of its members. The  
23 permission to export low-level radioactive waste shall  
24 be effective for that period of time and for the speci-  
25 fied amount of low-level radioactive waste, and sub-

1       ject to any other term or condition, as is determined  
2       by the commission.

3               “(8) Monitor the exportation outside of the  
4       party states of material, which otherwise meets the  
5       criteria of low-level radioactive waste, where the sole  
6       purpose of the exportation is to manage or process  
7       the material for recycling or waste reduction and re-  
8       turn it to the party states for disposal in the com-  
9       pact facility.

10       “SEC. 3.06. Jurisdiction and venue of any action con-  
11       testing any action of the commission shall be in the United  
12       States District Court in the district where the commission  
13       maintains its office.

14               “ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND  
15                               OBLIGATIONS OF PARTY STATES

16       “SEC. 4.01. The host state shall develop and have  
17       full administrative control over the development, manage-  
18       ment and operation of a facility for the disposal of low-  
19       level radioactive waste generated within the party states.  
20       The host state shall be entitled to unlimited use of the  
21       facility over its operating life. Use of the facility by the  
22       non-host party states for disposal of low-level radioactive  
23       waste, including such waste resulting from decommission-  
24       ing of any nuclear electric generation facilities located in  
25       the party states, is limited to the volume requirements of  
26       Section 3.04(11) of Article III.

1       “SEC. 4.02. Low-level radioactive waste generated  
2 within the party states shall be disposed of only at the  
3 compact facility, except as provided in Section 3.05(7) of  
4 Article III.

5       “SEC. 4.03. The initial states of this compact cannot  
6 be members of another low-level radioactive waste compact  
7 entered into pursuant to the Act.

8       “SEC. 4.04. The host state shall do the following:

9           “(1) Cause a facility to be developed in a timely  
10 manner and operated and maintained through the  
11 institutional control period.

12           “(2) Ensure, consistent with any applicable fed-  
13 eral and host state laws, the protection and preser-  
14 vation of the environment and the public health and  
15 safety in the siting, design, development, licensing,  
16 regulation, operation, closure, decommissioning, and  
17 long-term care of the disposal facilities within the  
18 host state.

19           “(3) Close the facility when reasonably nec-  
20 essary to protect the public health and safety of its  
21 citizens or to protect its natural resources from  
22 harm. However, the host state shall notify the com-  
23 mission of the closure within three days of its action  
24 and shall, within 30 working days of its action, pro-  
25 vide a written explanation to the commission of the

1 closure, and implement any adopted contingency  
2 plan.

3 “(4) Establish reasonable fees for disposal at  
4 the facility of low-level radioactive waste generated  
5 in the party states based on disposal fee criteria set  
6 out in Sections 402.272 and 402.273, Texas Health  
7 and Safety Code. The same fees shall be charged for  
8 the disposal of low-level radioactive waste that was  
9 generated in the host state and in the non-host  
10 party states. Fees shall also be sufficient to reason-  
11 ably support the activities of the Commission.

12 “(5) Submit an annual report to the commis-  
13 sion on the status of the facility, including projec-  
14 tions of the facility’s anticipated future capacity, and  
15 on the related funds.

16 “(6) Notify the Commission immediately upon  
17 the occurrence of any event which could cause a pos-  
18 sible temporary or permanent closure of the facility  
19 and identify all reasonable options for the disposal  
20 of low-level radioactive waste at alternate compact  
21 facilities or, by arrangement and Commission vote,  
22 at noncompact facilities.

23 “(7) Promptly notify the other party states of  
24 any legal action involving the facility.

1           “(8) Identify and regulate, in accordance with  
2 federal and host state law, the means and routes of  
3 transportation of low-level radioactive waste in the  
4 host state.

5           “SEC. 4.05. Each party state shall do the following:

6           “(1) Develop and enforce procedures requiring  
7 low-level radioactive waste shipments originating  
8 within its borders and destined for the facility to  
9 conform to packaging, processing, and waste form  
10 specifications of the host state.

11           “(2) Maintain a registry of all generators with-  
12 in the state that may have low-level radioactive  
13 waste to be disposed of at a facility, including, but  
14 not limited to, the amount of low-level radioactive  
15 waste and the class of low-level radioactive waste  
16 generated by each generator.

17           “(3) Develop and enforce procedures requiring  
18 generators within its borders to minimize the volume  
19 of low-level radioactive waste requiring disposal.  
20 Nothing in this compact shall prohibit the storage,  
21 treatment, or management of waste by a generator.

22           “(4) Provide the commission with any data and  
23 information necessary for the implementation of the  
24 commission’s responsibilities, including taking those  
25 actions necessary to obtain this data or information.

1           “(5) Pay for community assistance projects des-  
2           ignated by the host county in an amount for each  
3           non-host party state equal to 10 percent of the pay-  
4           ment provided for in Article V for each such state.  
5           One-half of the payment shall be due and payable to  
6           the host county on the first day of the month follow-  
7           ing ratification of this compact agreement by Con-  
8           gress and one-half of the payment shall be due and  
9           payable on the first day of the month following the  
10          approval of a facility operating license by the host  
11          state’s regulatory body.

12          “(6) Provide financial support for the commis-  
13          sion’s activities prior to the date of facility operation  
14          and subsequent to the date of congressional ratifica-  
15          tion of this compact under Section 7.07 of Article  
16          VII. Each party state will be responsible for annual  
17          payments equalling its pro-rata share of the commis-  
18          sion’s expenses, incurred for administrative, legal,  
19          and other purposes of the commission.

20          “(7) If agreed by all parties to a dispute, sub-  
21          mit the dispute to arbitration or other alternate dis-  
22          pute resolution process. If arbitration is agreed  
23          upon, the governor of each party state shall appoint  
24          an arbitrator. If the number of party states is an  
25          even number, the arbitrators so chosen shall appoint

1 an additional arbitrator. The determination of a ma-  
2 jority of the arbitrators shall be binding on the party  
3 states. Arbitration proceedings shall be conducted in  
4 accordance with the provisions of 9 U.S.C. Sections  
5 1 to 16. If all parties to a dispute do not agree to  
6 arbitration or alternate dispute resolution process,  
7 the United States District Court in the district  
8 where the commission maintains its office shall have  
9 original jurisdiction over any action between or  
10 among parties to this compact.

11 “(8) Provide on a regular basis to the commis-  
12 sion and host state—

13 “(A) an accounting of waste shipped and  
14 proposed to be shipped to the compact facility,  
15 by volume and curies;

16 “(B) proposed transportation methods and  
17 routes; and

18 “(C) proposed shipment schedules.

19 “(9) Seek to join in any legal action by or  
20 against the host state to prevent nonparty states or  
21 generators from disposing of low-level radioactive  
22 waste at the facility.

23 “SEC. 4.06. Each party state shall act in good faith  
24 and may rely on the good faith performance of the other  
25 party states regarding requirements of this compact.

1           “ARTICLE V. PARTY STATE CONTRIBUTIONS

2           “SEC. 5.01. Each party state, except the host state,  
3 shall contribute a total of \$25 million to the host state.  
4 Payments shall be deposited in the host state treasury to  
5 the credit of the low-level waste fund in the following man-  
6 ner except as otherwise provided. Not later than the 60th  
7 day after the date of congressional ratification of this com-  
8 pact, each non-host party state shall pay to the host state  
9 \$12.5 million. Not later than the 60th day after the date  
10 of the opening of the compact facility, each non-host party  
11 state shall pay to the host state an additional \$12.5 mil-  
12 lion.

13          “SEC. 5.02. As an alternative, the host state and the  
14 non-host states may provide for payments in the same  
15 total amount as stated above to be made to meet the prin-  
16 cipal and interest expense associated with the bond indebt-  
17 edness or other form of indebtedness issued by the appro-  
18 priate agency of the host state for purposes associated  
19 with the development, operation, and post-closure monitor-  
20 ing of the compact facility. In the event the member states  
21 proceed in this manner, the payment schedule shall be de-  
22 termined in accordance with the schedule of debt repay-  
23 ment. This schedule shall replace the payment schedule  
24 described in Section 5.01 of this article.

1       “ARTICLE VI. PROHIBITED ACTS AND PENALTIES

2       “SEC. 6.01. No person shall dispose of low-level ra-  
3 dioactive waste generated within the party states unless  
4 the disposal is at the compact facility, except as otherwise  
5 provided in Section 3.05(7) of Article III.

6       “SEC. 6.02. No person shall manage or dispose of any  
7 low-level radioactive waste within the party states unless  
8 the low-level radioactive waste was generated within the  
9 party states, except as provided in Section 3.05(6) of Arti-  
10 cle III. Nothing herein shall be construed to prohibit the  
11 storage or management of low-level radioactive waste by  
12 a generator, nor its disposal pursuant to 10 C.F.R. Part  
13 20.302.

14       “SEC. 6.03. Violations of this article may result in  
15 prohibiting the violator from disposing of low-level radio-  
16 active waste in the compact facility, or in the imposition  
17 of penalty surcharges on shipments to the facility, as de-  
18 termined by the commission.

19       “ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT;  
20 CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

21       “SEC. 7.01. The states of Texas, Maine, and Vermont  
22 are party states to this compact. Any other state may be  
23 made eligible for party status by a majority vote of the  
24 commission and ratification by the legislature of the host  
25 state, subject to fulfillment of the rights of the initial non-  
26 host party states under Section 3.04(11) of Article III and

1 Section 4.01 of Article IV, and upon compliance with  
2 those terms and conditions for eligibility that the host  
3 state may establish. The host state may establish all terms  
4 and conditions for the entry of any state, other than the  
5 states named in this section, as a member of this compact;  
6 provided, however, the specific provisions of this compact,  
7 except for those pertaining to the composition of the com-  
8 mission and those pertaining to Section 7.09 of this arti-  
9 cle, may not be changed except upon ratification by the  
10 legislatures of the party states.

11       “SEC. 7.02. Upon compliance with the other provi-  
12 sions of this compact, a state made eligible under Section  
13 7.01 of this article may become a party state by legislative  
14 enactment of this compact or by executive order of the  
15 governor of the state adopting this compact. A state be-  
16 coming a party state by executive order shall cease to be  
17 a party state upon adjournment of the first general session  
18 of its legislature convened after the executive order is is-  
19 sued, unless before the adjournment, the legislature enacts  
20 this compact.

21       “SEC. 7.03. Any party state may withdraw from this  
22 compact by repealing enactment of this compact subject  
23 to the provisions herein. In the event the host state allows  
24 an additional state or additional states to join the com-  
25 pact, the host state’s legislature, without the consent of

1 the non-host party states, shall have the right to modify  
2 the composition of the commission so that the host state  
3 shall have a voting majority on the commission, provided,  
4 however, that any modification maintains the right of each  
5 initial party state to retain one voting member on the com-  
6 mission.

7       “SEC. 7.04. If the host state withdraws from the  
8 compact, the withdrawal shall not become effective until  
9 five years after enactment of the repealing legislation and  
10 the non-host party states may continue to use the facility  
11 during that time. The financial obligation of the non-host  
12 party states under Article V shall cease immediately upon  
13 enactment of the repealing legislation. If the host state  
14 withdraws from the compact or abandons plans to operate  
15 a facility prior to the date of any non-host party state pay-  
16 ment under Sections 4.05(5) and (6) of Article IV or Arti-  
17 cle V, the non-host party states are relieved of any obliga-  
18 tions to make the contributions. This section sets out the  
19 exclusive remedies for the non-host party states if the host  
20 state withdraws from the compact or is unable to develop  
21 and operate a compact facility.

22       “SEC. 7.05. A party state, other than the host state,  
23 may withdraw from the compact by repealing the enact-  
24 ment of this compact, but this withdrawal shall not be-  
25 come effective until two years after the effective date of

1 the repealing legislation. During this two-year period the  
2 party state will continue to have access to the facility. The  
3 withdrawing party shall remain liable for any payments  
4 under Sections 4.05(5) and (6) of Article IV that were  
5 due during the two-year period, and shall not be entitled  
6 to any refund of payments previously made.

7       “SEC. 7.06. Any party state that substantially fails  
8 to comply with the terms of the compact or to fulfill its  
9 obligations hereunder may have its membership in the  
10 compact revoked by a seven-eighths vote of the commis-  
11 sion following notice that a hearing will be scheduled not  
12 less than six months from the date of the notice. In all  
13 other respects, revocation proceedings undertaken by the  
14 commission will be subject to the Administrative Proce-  
15 dure and Texas Register Act (Article 6252–13a, Vernon’s  
16 Texas Civil Statutes), except that a party state may ap-  
17 peal the commission’s revocation decision to the United  
18 States District Court in accordance with Section 3.06 of  
19 Article III. Revocation shall take effect one year from the  
20 date such party state receives written notice from the com-  
21 mission of a final action. Written notice of revocation shall  
22 be transmitted immediately following the vote of the com-  
23 mission, by the chair, to the governor of the affected party  
24 state, all other governors of party states, and to the Unit-  
25 ed States Congress.

1       “SEC. 7.07. This compact shall take effect following  
2 its enactment under the laws of the host state and any  
3 other party state and thereafter upon the consent of the  
4 United States Congress and shall remain in effect until  
5 otherwise provided by federal law. If Texas and either  
6 Maine or Vermont ratify this compact, the compact shall  
7 be in full force and effect as to Texas and the other ratify-  
8 ing state, and this compact shall be interpreted as follows:

9           “(1) Texas and the other ratifying state are the  
10       initial party states.

11           “(2) The commission shall consist of two voting  
12       members from the other ratifying state and six from  
13       Texas.

14           “(3) Each party state is responsible for its pro-  
15       rata share of the commission’s expenses.

16       “SEC. 7.08. This compact is subject to review by the  
17 United States Congress and the withdrawal of the consent  
18 of Congress every five years after its effective date, pursu-  
19 ant to federal law.

20       “SEC. 7.09. The host state legislature, with the ap-  
21 proval of the governor, shall have the right and authority,  
22 without the consent of the non-host party states, to modify  
23 the provisions contained in Section 3.04(11) of Article III  
24 to comply with Section 402.219(c)(1), Texas Health &

1 Safety Code, as long as the modification does not impair  
2 the rights of the initial non-host party states.

3 “ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

4 “SEC. 8.01. The provisions of this compact shall be  
5 broadly construed to carry out the purposes of the com-  
6 pact, but the sovereign powers of a party shall not be in-  
7 fringed upon unnecessarily.

8 “SEC. 8.02. This compact does not affect any judicial  
9 proceeding pending on the effective date of this compact.

10 “SEC. 8.03. No party state acquires any liability, by  
11 joining this compact, resulting from the siting, operation,  
12 maintenance, long-term care or any other activity relating  
13 to the compact facility. No non-host party state shall be  
14 liable for any harm or damage from the siting, operation,  
15 maintenance, or long-term care relating to the compact  
16 facility. Except as otherwise expressly provided in this  
17 compact, nothing in this compact shall be construed to  
18 alter the incidence of liability of any kind for any act or  
19 failure to act. Generators, transporters, owners and opera-  
20 tors of facility shall be liable for their acts, omissions, con-  
21 duct or relationships in accordance with applicable law.  
22 By entering into this compact and securing the ratification  
23 by Congress of its terms, no party state acquires a poten-  
24 tial liability under section 5(d)(2)(C) of the Act (42 U.S.C.  
25 Sec. 2021e(d)(2)(C)) that did not exist prior to entering  
26 into this compact.

1       “SEC. 8.04. If a party state withdraws from the com-  
2 pact pursuant to Section 7.03 of Article VII or has its  
3 membership in this compact revoked pursuant to section  
4 7.06 of Article VII, the withdrawal or revocation shall not  
5 affect any liability already incurred by or chargeable to  
6 the affected state under Section 8.03 of this article.

7       “SEC. 8.05. The provisions of this compact shall be  
8 severable and if any phrase, clause, sentence, or provision  
9 of this compact is declared by a court of competent juris-  
10 diction to be contrary to the constitution of any participat-  
11 ing state or of the United States or the applicability there-  
12 of to any government, agency, person or circumstances is  
13 held invalid, the validity of the remainder of this compact  
14 and the applicability thereof to any government, agency,  
15 person, or circumstance shall not be affected thereby to  
16 the extent the remainder can in all fairness be given effect.  
17 If any provision of this compact shall be held contrary to  
18 the constitution of any state participating therein, the  
19 compact shall remain in full force and effect as to the state  
20 affected as to all severable matters.

21       “SEC. 8.06. Nothing in this compact diminishes or  
22 otherwise impairs the jurisdiction, authority, or discretion  
23 of either of the following:

1           “(1) The United States Nuclear Regulatory  
2 Commission pursuant to the Atomic Energy Act of  
3 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

4           “(2) An agreement state under section 274 of  
5 the Atomic Energy Act of 1954, as amended (42  
6 U.S.C. Sec. 2021).

7           “SEC. 8.07. Nothing in this compact confers any new  
8 authority on the states or commission to do any of the  
9 following:

10           “(1) Regulate the packaging or transportation  
11 of low-level radioactive waste in a manner inconsis-  
12 tent with the regulations of the United States Nu-  
13 clear Regulatory Commission or the United States  
14 Department of Transportation.

15           “(2) Regulate health, safety, or environmental  
16 hazards from source, by-product, or special nuclear  
17 material.

18           “(3) Inspect the activities of licensees of the  
19 agreement states or of the United States Nuclear  
20 Regulatory Commission.”.

Passed the House of Representatives October 7,  
1997.

Attest:

ROBIN H. CARLE,

*Clerk.*