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Date

# MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on February 17, 1993 in Room 423-S of the Capitol.

All members were present:

Committee staff present: Raney Gilliland, Legislative Research Department

Dennis Hodgins, Legislative Research Department

Don Hayward, Revisor of Statutes Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Robert C. Harder, Secretary, Kansas Department of Health and Environment

Others attending: See attached list

SB-246 - concerning the central interstate low-level radioactive waste compact

Secretary Robert C. Harder, KDHE, appeared before the committee and presented his written testimony in support of <u>SB-246</u> concerning the central interstate low-level radioactive waste compact. <u>Attachment 1</u> Following presentation of his written testimony Dr. Harder answered myriad questions by committee members.

Discussion set forth the fact that since Nebraska had signed the compact they were in the position of being the host state for 30 years unless a vote to the contrary would take place. The issue of the two vote provision for the host state was noted with the point being made that four votes would be necessary, therefore two states would need to vote with Nebraska in order to change this situation. A request was made for a legal opinion concerning the fact that Nebraska as long as they remained in the compact would remain the host state for 30 years.

During the discussion, the point was made that some believe that Kansas should not be in the compact and store our low-level radioactive waste and such waste should be stored at the Wolf Creek facility. Federal regulations of the Nuclear Regulatory Commission dated 2-2-93 appear to allow states and compacts greater flexibility than previously thought. At this time the NRC is not pursuing an on-site storage option although certain requirements still have to be met, one of which states that all other options would have to be explored and exhausted.

The question was asked as to who now shares and holds the liability for the cost and development of the site without the passage of this legislation. Mr. Charles Jones, Director, Air & Waste Management, Kansas Department of Health and Environment, noted it was their belief that the cost of development was being paid, at this point, by the major generators. At some point major generators will roll this into a rate case and seek to recover their costs from the rate payers in the state of Kansas and other states. Mr. Jones further stated they had examined this area and believed the Superfund Law would apply in this instance. Ultimately, the generators and the state of Kansas would be responsible for the site.

Concern was expressed regarding the firm, U S Ecology who was chosen to license, develop, construct and operate the Central Interstate facility. A copy of the audit concerning this firm was requested. Each member state will have a staff person available to go over the audit point by point and Charles Jones will be the Kansas member of the commission. Dr. Harder noted the 5 staff people, one from each member state who have been charged with going through the audit, was the mechanism for the compact states assuming more oversite responsibility.

### **CONTINUATION SHEET**

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on February 17, 1993.

The remark was made that the original compact administrator was the person who misused funds and is presently in jail and the compact has recovered approximately \$200,000.

A senator noted that the language on pages 4-5 of the bill probably puts the state in a much better state than the previous position. Without this language the state could be vulnerable to any charges that cannot be recovered from the generators and you might never have a call upon the operator or the operator's insurance and was one of the best reasons to pass the compact and do it quickly. Dr. Harder told the committee that in terms of the volume of the compact states, Kansas ranks fifth in rank order of volume and this is an advantage to the state and the assessment would be appropriate to that percent of volume. It was also noted that the various generators of waste are working diligently to decrease the volume.

The money that generators have been put into the compact can be regained through credits toward storage.

A committee member questioned whether the state can be forced to pass this measure or the consequences if we did not pass this measure. Secretary Harder made available to committee members a communication from the Southeast Compact and he read: "The Southeast Compact Commission may terminate access to the Regional Facility if it determines that an overt action has been taken by a compact region, **designated host state with the compact region**(emphasis added), or unaffiliated state, which the Commission determines substantially impedes the state or region's progress in fulfilling its responsibilities for providing, either by itself or in cooperation with other states, for the disposal of its low-level radioactive waste." Secretary Harder emphasized that he did not want to suggest that he had any communication from any state in the compact threatening to call for a vote on Kansas if we do not pass this legislation. In reply to the question of whether there was any indication that Kansas could be voted out of the compact Secretary Harder replied that at this point he did not have any such indication. He further noted that at the most recent meeting of the compact there appeared to be no suggestion of such a thing at that meeting. When questioned as to what would happen if we don't pass this legislation, Dr. Harder suggested we would probably receive a second letter from the Southeast Compact wanting to know if Kansas was impeding progress toward the facility since the 4 or 5 other states have passed this legislation.

It was pointed out that the other states could pass rules and regulations to put everyone under the compact.

The Secretary noted he was trying to point out that the Southeast Compact might view our not having conforming language as impeding progress.

The question was asked what the technical reasons were for "intent-to-deny." Mr. Charles Jones noted the state of Nebraska has cited the wetlands and ponding on the site. Under the compact the technical issue of siting is between U S Ecology, the contractor, and the state of Nebraska. The member asked whether this could lead us to problems all down the line, particularly if they have sited the storage area in the wetlands. Mr. Jones replied "Yes."

The meeting adjourned at 9:01 a.m.

The next meeting is scheduled for February 18, 1993.

## State of Kansas Joan Finney, Governor



# Department of Health and Environment

### CHARGE TO A STATE OF LANGUE STATE OF THE

Robert C. Harder, Secretary Reply to:

Testimony presented to

Senate Energy and Natural Resources Committee

By

Kansas Department of Health and Environment

Senate Bill 246

#### STATEMENT OF SUPPORT FOR SENATE BILL 246

The Kansas Department of Health and Environment stands in support of Senate Bill 246. Passage of SB 246 would bring Kansas into alignment with similar language already adopted by the other member states of the Central Interstate Compact. As you are well aware, questions abound as to how this Compact and the nation as a whole will finally come to terms with disposal low-level radioactive waste. Through these uncertainties, KDHE will base its actions on the following guiding principles:

- we must not prematurely close off any disposal options;
- we must safeguard against any hasty, imprudent or desperate efforts to site a regional facility in Kansas;
- we must not take any action which could jeopardize access to the Barnwell facility; and
- as long as Kansas retains its membership in the Central Interstate Compact, we must conduct ourselves in a manner which reflects equity, comity and the good-faith commitment to shared goals.

In keeping with these principles, KDHE recommends favorable action on Senate Bill 246.

#### CHRONOLOGY

Before discussing details of SB 246, it might be helpful to go over a brief chronology of the Central Interstate Compact.

Congress passed the Low-Level Radioactive Waste Policy Act of 1980 in response to protests from Washington, Nevada and South Carolina about the continuing national reliance on disposal facilities located in those states. The central element of the Act was creation of the regional compact mechanism. It was the original intent of the federal law to have a national network of disposal facilities in place and operative by 1986. That date was eventually set back to January 1, 1993.

- Kansas joined the Central Interstate Low-Level Radioactive Waste Compact in 1982. Louisiana, Arkansas, Oklahoma, and Nebraska are the other member states.
- US Ecology was selected to license, develop, construct and operate the Central Interstate facility in 1987.
- The State of Nebraska was chosen as the host state in 1989. The hosting selection addressed a combination of factors including site suitability studies and conditions established by the state of Nebraska.
  - US Ecology submitted an application for licensing a low-level disposal facility in Boyd County, Nebraska in 1990. That application is pending, although in recent weeks the state of Nebraska has taken two actions which put the future of the Boyd County site in question. Those actions include a court challenge as to whether the Compact has indeed attained "community consent" (one of Nebraska's siting conditions), and the announcement of Nebraska's intent-to-deny the operating license for technical reasons.
    - In spite of the Congressional intent, no new disposal facilities came on line by January 1, 1993. Indeed, the Central Interstate Compact was one of only two compacts in the the milestone of submitting license meet nation to applications. Responding to on-going needs, the Barnwell disposal facility in South Carolina has agreed to continue to receive waste -- at a much higher fee of approximately \$400 per cubic foot, including transportation -- through June, It is important to note that in its contract with the Central Interstate Compact, the SE Compact stipulated that it can terminate access to Barnwell if it determines that the Central Compact is wavering on its good faith effort to develop regional disposal capacity. Upon hearing of the consent suit and intent-to-deny, the SE Compact has inquired into the good faith standing of the Central Compact. response to that inquiry is pending.

In the meanwhile, KDHE in concert with Kansas generators, is preparing contingency storage plans to cover the interim between closure of Barnwell and opening of the Boyd County facility.

#### PROVISIONS OF SENATE BILL 246

In 1989, the State of Nebraska adopted and sought modifications to the compact language. Those modifications address shared liability, membership of the Compact Commission, and open meeting considerations. In deference to Nebraska's host-state status and recognizing that host states deserve certain assurances and accommodations, the legislatures of Louisiana, Oklahoma and Arkansas adopted the requested language. Kansas is the only member state which has not adopted the Nebraska language. Under federal law, modifications to the compact -- such as those requested by Nebraska -- take effect only when adopted by all member states.

In greater detail, the modifications set out in SB 246 include:

- Several definitions are adopted or expanded. Those definitions speak to <u>decommissioning</u>, protective measures taken at the end of a facility's life; <u>extended care</u>, the post-closure measures undertaken to ensure that decommissioning has accomplished its protective goals; and <u>institutional control</u>, those activities undertaken after the host state becomes responsible for a facility's extended care.
- Revisions to Article 3 strengthen the host state's hand in setting user fees. Under existing language, the Commission would assess the host state's needs, then set user fees which provide sufficient revenues.

HB 2042 would allow the host state to propose user fees, subject to 120 days notice during which the Commission would have the opportunity to provide comments to the host state.

Fees proposed by the host state shall be fair and reasonable, and shall provide the host state with sufficient revenue to cover all anticipated present and future costs associated with the regional facility. Those costs include, but are not limited to:

- 1. licensure, operation, monitoring, inspection, maintenance, decommissioning, closure, institutional control, and extended care of the regional facility;
- response, removal, remedial action or cleanup deemed appropriate or required by the host state as a result of a release of radioactive or hazardous materials from the facility;

- premiums for property and third party liability insurance;
- 4. protection of public health and safety, and the environment:
- 5. compensation and incentives to the host community;
- any amount due from a judgment or settlement involving a property or third-party liability claim for medical expenses and all other damages incurred as a result of personal injury or death, and damages or losses to real or personal property or the environment; and
- 7. costs of defending or pursuing liability claims against any party or state.

User fees may include incentives for source and volume reduction, and may be based on the hazard of the waste.

Additional revisions to Article 3 speak to shared liability. SB 246 provides that all party states and any other state or states whose generators use the regional facility, shall share liability for all such costs. However, there shall be no recovery from the state until all available funds, payments, or in-kind services have been exhausted, including:

- designated low-level radioactive waste funds managed by the host state;
- 2. payable proceeds of insurance or surety policies applicable to the regional facility;
- proceeds of reasonable collection efforts against the regional facility operator or operators; and
- 4. payments for or in-kind services by generators.

Under SB 246, reasonable collection efforts against a bankrupt facility operator are clarified; state ability to recover damages from facility operators, insurers or generators is reaffirmed; the statute of limitations is nullified; and policy is adopted which links state liability to its share of the total volume of waste received at the regional facility.

Senate Bill 246 would alter the composition of the Compact Commission by giving the host state two voting members, and allowing a representative of the host county to serve on the Commission as a non-voting member.

Currently, each member state has one vote on the Commission. As noted earlier, changes to the compact itself requires action by all of the member states. A two-thirds majority is required to vote a member state out of the compact. All other matters are decided by a simple majority vote.

 Finally, SB 246 would have the commission operate in accordance with open meeting and open records requirements of the host state.

### ANALYSIS

Having completed its analysis of SB 246, KDHE urges its support for the following reasons:

While giving the host state a stronger hand in setting user fees, SB 246 better defines and adequately constrains the intended use of those fees. KDHE finds the proposed fee mechanism to be both responsible and sufficient. Were this site in Kansas rather than Nebraska, KDHE would demand no less assurance of adequate funding.

Before leaving the fee issue, I'd like to give a brief progress report on Commission efforts to control spiraling project costs. US Ecology's original projected cost for this project was \$30.4 million. To date, \$44 million has been expended and the projected cost has risen to \$122.3 million.

In the face of this cost escalation, the Commission has taken several steps to improve accountability and cost control.

- KPMG-Peat-Marwick, with direction and funding from the 1. Commission, recently completed a performance audit of the Commission, Nebraska's Departments of Environmental US and Bechtel. and Health. Ecology recommendations from Implementation of the performance audit promise to greatly strengthen project oversight and cost containment.
- 2. KDHE has recommended a number of amendments to Commission by-laws. Among other things, these amendments are intended to increase commission responsibility for project oversight.
- 3. In keeping with performance audit recommendations, interviews have been completed and an offer will soon be tendered for an in-house technical expert who will give Commission staff much-needed insight into project elements and their related costs.

These measures both empower and require commission to exercise aggressive project and cost oversight. Through increased diligence on the part of the commission and major generators, thrift and credibility can and will be restored on this project.

 KDHE believes that the shared liability provision is supportable at two levels.

By its very nature, the compact mechanism creates a shared fate among member states. It is appropriate and perhaps even morally mandatory for member states to pledge their aid the host state in the event that problems outstrip available resources. By establishing a cost recovery hierarchy and by allocating liability in proportion to facility use, SB 246 ensures that shared liability would be handled in prudent and equitable manner.

At the second level, we believe that SB 246 simply amplifies liabilities which are already in effect. Through the compact arrangement and by virtue of the fact that several state entities -- including KU and K-State -- will likely be disposing of waste in the Nebraska facility, it is unrealistic to think that the State of Kansas can avoid accruing direct liability at the site.

- The addition of a second voting member from the host state may have significant ramifications on a 5-member commission where a simple majority carries virtually all votes. However, we must recognize and accommodate to the fact that the host state feels it deserves an increased measure of control over commission activities. Were Kansas the host state position, we would likely demand no less control.
- The open records and meetings provisions contained in SB 246 is consistent with practices long in place in Kansas.

### CONCLUSION

As noted at the outset of this testimony, KDHE continues to be guided by the following principles:

- we must not prematurely close off any disposal options;
- we must safeguard against any hasty, imprudent or desperate efforts to site a regional facility in Kansas;
- we must not take any action which could jeopardize access to the Barnwell facility; and
- as long as Kansas retains its membership in the Central Interstate Compact, we must conduct ourselves in a manner which reflects equity, comity and the good-faith commitment to shared goals.

In keeping with these principles and after thorough legal and technical review, it is KDHE's recommendation that the committee pass Senate Bill 246 as proposed.

# RECONVENING THE ADVISORY BOARD ON LOW-LEVEL WASTE

Obviously, Kansas, the compact and the nation are facing a lot of unknowns with regard to disposal of low-level radioactive waste. KDHE will track events at all levels, and will reconvene the Low-Level Advisory Board to provide input on technical and policy matters. In accordance with KSA 65-34a03, the Advisory Board will consist of:

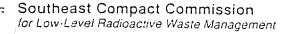
- the secretary of KDHE, serving as chairperson
- the director of the division of environment
- the director of the bureau of radiation control
- a representative of the governor's office
- the chairperson of the senate committee on energy and natural resources
- a member of the senate committee on energy and natural resources, designated by the senate minority leader
- the chairperson of the house committee on energy and natural resources
- a member of the house committee on energy and natural resources, designated by the house minority leader, and
- two members appointed by the governor, who shall serve at the pleasure of the governor.
- the director of the legislative research department or a designee, and the revisor of statutes or a designee shall assist the Advisory Board.

Additionally, in accordance with KSA 65-34a04, which designates the state corporation commission as the rate-review agency for Kansas, we will invite the chairman of the KCC, or his designee, to monitor and participate in advisory board meetings.

The advisory board will meet periodically to review events and propose any policies, legislation or technical requirements deemed necessary to ensure the prudent management and disposition of low-level radioactive waste.

Thank you, I'll be happy to answer any questions the committee may have.

Testimony presented by: Robert C. Harder Secretary, KDHE February 17, 1993



## RECEIVED

'JAN 2 9 1993

Richard S. Hodes, M.D. Chairman

January 21, 1993

CENTRAL STATES COMPACT

James L. Setser Vice-Chairman

Capt. William H. Briner Secretary-Treasurer

Kathryn Visocki, M.P.H. Executive Director

Ms. Greta J. Dicus, Chairman Central Interstate LLRW Commission Dir. of Radiation Control and Emergency Management Dept. of Health 4815 West Markham, Slot 30 Little Rock, AR 72205-3867

Dear Ms. Dicus:

The Import Policy Committee of the Southeast Compact Commission has asked me to express to you its concern about recent actions taken and/or actions contemplated by the Central Interstate Compact Commission's (CICC) host state, Nebraska, with respect to the siting of the Central Interstate Compact's low-level radioactive waste disposal facility. Such actions may be inconsistent with the Southeast Compact Commission's Policy for Import of LLRW to the Regional Facility for the Period January 1, 1993 - June 30, 1994 adopted as amended November 13, 1992 (and hereinafter referred to a import Policy). Section III.A. of the Import Policy specifies the following:

The Southeast Compact Commission may terminate access to the Regional Facility if it determines that an overt action has been taken by a compact region, designated host state within the compact region (emphasis added), or unaffiliated state, which the Commission determines substantially impedes the state or region's progress in fulfilling its responsibilities for providing, either by itself or in cooperation with other states, for the disposal of its low-level radioactive waste.

Compacts and host states which do not fulfill in good faith their responsibilities for providing for their own LLRW disposal jeopardize continued access to the Southeast Compact Regional Facility. The Import Policy Committee will be monitoring closely the actions of the Central Interstate Compact and the State of Nebraska in the days ahead and plans to present an update of the situation to the Southeast Compact Commission in the near future.

21 Glenwood Avenue, Suite 207 Raleigh, North Carolina 27603 (919) 821-0500 fax (919) 821-1090 Ms. Greta J. Dicus, Chairman January 21, 1993 Page Two

To accurately assess the potential impact of pending Nebraska actions, I respectfully request that you provide the Commission with a summary of the various actions taken or proposed by Nebraska, and your assessment of the potential impact on the Central Interstate Compact Commission's progress.

I look forward to hearing from you.

Sincerely,

Richard Hodes, M.D.

Chairman

cc: Mr. Gene Crump, Executive Director

Governor E. Benjamin Nelson

Maxine Moul, Lieutenant Governor

Senator Dennis Baack

(97-382)

# INTERREGIONAL ACCESS AGREEMENT FOR WASTE MANAGEMENT October 23, 1992

The following parties hereby enter into the following Agreement.

## Article I Recitals

- 1.1 In 1980 Congress passed the Low-Level Radioactive Waste Policy Act. 42 U.S.C. 2021 (b) This Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 ("Policy Act"), encouraged states to enter into interstate compacts to "provide for the establishment and operation of regional disposal facilities for low-level radioactive waste."
- 1.2 Under the Policy Act, each state is "responsible for providing, either by itself or in cooperation with other states," for the disposal of low-level radioactive waste generated within the state.
- 1.3 Nine low-level radioactive waste interstate compacts have been consented to by Congress. Some compact regions have existing disposal facilities, other compact regions are in various stages of providing for the disposal of their wastes. Additionally, some states have not joined compacts.
- 1.4 Each of the compacts contains a provision which allows the compact commission to exclude from that compact's region or regional facilities waste generated outside the compact region.
- 1.5 A series of technologies has been developed, is being developed, and will be developed to manage waste and radioactive materials prior to disposal. These technologies are beneficial: in many instances, they reduce the total volume of waste requiring disposal at low-level radioactive waste disposal facilities; they stabilize waste forms; they allow usable materials to be recovered; and they reduce the costs of disposal to consumers and generators.
- 1.6 Because of these benefits, the parties to this agreement desire to establish a system which will allow the compact commissions and unaffiliated states to institute efficient mechanisms to: (1) facilitate the import of waste from other compact regions and unaffiliated states for the purpose of management; (2) ensure that low-level radioactive waste and waste generated by radioactive materials imported for management can be returned to the compact region or unaffiliated state from which the waste or materials were exported.

## Article II Definitions

For the purposes of this agreement:

2.1 "Agreement state" means a state that has entered into an agreement, including a limited agreement, with the Nuclear Regulatory Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), and has authority to regulate the disposal of low-level radioactive waste under such agreement.

Interregional Access Agreement for Waste Management October 23, 1992 Page 2

- 2.2 "Compact" means a compact entered into by two or more states pursuant to the Low-Level Radioactive Waste Policy Act and consented to by Congress.
- 2.3 "Compact commission" means the regional commission, committee, or board established in a compact to administer such compact.
- 2.4 "Compact region" or "region" means the area consisting of all the states that are members of a compact.
- 2.5 "Disposal" means the permanent isolation of low-level radioactive waste pursuant to the requirements established by the Nuclear Regulatory Commission under applicable laws, or by an agreement state if such isolation occurs in such agreement state.
- 2.6 "Generate" when used in relation to low-level radioactive waste, means to produce low-level radioactive waste. Waste resulting from the management of waste or radioactive materials which have been imported for management shall be deemed to have been generated in the compact region or unaffiliated state from which the waste or radioactive materials have been exported.
- 2.7 "Low-level radioactive waste" or "waste" means radioactive material that:
- (A) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11e (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014 (e) (2)), as amended); and
- (B) the Nuclear Regulatory Commission has classified as low-level radioactive waste as of October 1, 1992; or
  - (C) is naturally-occurring or accelerator-produced radioactive material.

Low-level radioactive waste does not include:

- (A) Waste owned or generated by the United States Department of Energy; and
- (B) Waste owned or generated by the United States Navy as a result of decommissioning vessels of the United States Navy; and
- (C) low-level radioactive waste owned or generated by the Federal Government as a result of any research, development, testing, or production of any atomic weapon.
- 2.8 "Management" means collection, consolidation, compaction, reduction, interim storage, decontamination, treatment, or incineration of low-level radioactive waste, but does not include disposal.

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Interregional Access Agreement for Waste Management October 23, 1992 Page 3

- 2.9 "Person" means an individual, corporation, partnership, or other legal entity, whether public or private.
- 2.10 "Radioactive material" means solid, liquid, or gaseous material, whether occurring naturally or produced artificially that emits ionizing radiation spontaneously.
- 2.11 "State" means any state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.
- 2.12 "Unaffiliated state" means a state that is not a member of a compact.

# Article III Compact Obligations

- 3.1 The compact commissions which are party to this agreement agree not to use their authority, including any authority they have to exclude waste from their compact region or regional facilities, to impede the return of waste generated within their compact region or waste generated by the management of radioactive materials which have been exported for management outside their compact region, so long as the person seeking to return the waste can document that the waste was generated within that region.
- 3.2 Each compact commission agrees to work cooperatively with the other compact commissions and unaffiliated states that are party to this agreement in fulfilling the objectives of this agreement. This cooperation shall include supplying, upon request of a compact commission or unaffiliated state, information relating to the origin of any waste.

# Article IV Unaffiliated State Obligations

- 4.1 Each unaffiliated state which is a party to this agreement agrees not to impede the return of waste generated within that state or waste generated by the management of radioactive materials which have been exported for management in another compact region or unaffiliated state, so long as the person seeking to return the waste can document that the waste was generated within that state.
- 4.2 Nothing in this agreement shall be construed to limit an unaffiliated state's ability to exercise its police powers to protect the health and safety of its citizens.
- 4.3 Each unaffiliated state agrees to work cooperatively with the compact commissions and other unaffiliated states that are party to this agreement in fulfilling the objectives of this agreement. This cooperation shall include supplying, upon request of a compact commission or unaffiliated state, information relating to the origin of any waste.

Interregional Access Agreement for Waste Management October 23, 1992 Page 4

# Article V Eligibility, Effective Date, and Withdrawal

- 5.1 All compact commissions and unaffiliated states are eligible to enter into this agreement.
- 5.2 This agreement shall become effective upon execution by two compact commissions. It shall be effective as to other parties upon the dates of their signing the agreement, which may be executed in counterparts.
- 5.3 Any compact commission or unaffiliated state which is a party to this agreement may withdraw from the agreement upon six months written notice to each other signatory to the agreement. Not withstanding the provisions of the previous sentence, this agreement shall continue to apply after the effective date of the withdrawal to all waste generated within the withdrawing compact region or unaffiliated state from which the waste was exported for management prior to the effective date of the withdrawal and to waste generated by the management of radioactive materials which were exported for management prior to the effective date of the withdrawal. The withdrawal of any party to this agreement shall not affect the validity of the agreement as to the remaining parties.

## Article VI Enforcement

- 6.1 The sole remedy for a violation of this agreement shall be injunctive relief. This agreement may be enforced only by any aggrieved party to the agreement. Nothing in this agreement shall be construed to confer any third-party beneficiary rights on any nonparty to this agreement.
- 6.2 Nothing in this agreement shall be construed to enable a compact commission or unaffiliated state to exclude waste which it does not have the authority to exclude.

Central Interstate Low-Level Radioactive Waste Cor	nmission
Name of Compact or Unaffiliated State	
Signature of Authorized Representative	<u>Annuary 29, 1993</u> Date
Chairman	
Title	