

**A RESOLUTION REGARDING AMENDMENTS TO COMPACT AND  
REGIONAL MANAGEMENT PLAN**

**WHEREAS**, the Central Midwest Interstate Low-Level Radioactive Waste Compact (“*CMCC*”) is authorized to manage the storage, transportation, treatment, and disposal of Low-Level Radioactive Waste (“*LLRW*”) within the borders of its member states pursuant to the Low-Level Radioactive Waste Policy Act of 1980, as amended (“*LLRW Act*”); and

**WHEREAS**, the CMCC is governed by a Compact Commission (“*Commission*”) which regulates LLRW pursuant to the LLRW Act and a Regional Management Plan (“*RMP*”); and

**WHEREAS**, under the LLRW Act, CMCC’s management and regulation of nuclear byproduct material, as defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e) (“*Byproduct Material*”) and LLRW must not be incompatible with regulations of the United States Nuclear Regulatory Commission (“*NRC*”); and

**WHEREAS**, Section 651(e) of the Energy Policy Act of 2005 (“*EP Act*”) expanded the definition of Byproduct Material to include certain naturally-occurring and accelerator-produced radioactive materials (“*NARM*”), and vested the NRC with the authority to regulate NARM to the exclusion of interstate compacts such as the CMCC; and

**WHEREAS**, the NRC and the United States Department of Transportation have promulgated regulations governing the storage, transportation, treatment, and disposal of NARM along with standards for the degree of compatibility required between federal, compact, and state regulations; and

**WHEREAS**, the CMCC is now evaluating its regulations and the RMP to determine what, if any, amendments must be made to ensure compliance with all applicable federal laws related to NARM and LLRW;

**NOW, THEREFORE, BE IT RESOLVED**, by the Commission of the CMCC, as follows:

**SECTION 1: RECITALS.** The Commission hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

**SECTION 2: EVALUATION AND REVIEW.** Recognizing the statutory requirements of the LLRW Act and the EP Act, and the NRC regulations, as they relate to LLRW and NARM, the Commission hereby confirms that it is undertaking an evaluation of CMCC regulations and the RMP and will enact amendments necessary to ensure full compliance with all applicable federal law and to protect public health and safety.



**SECTION 3: EFFECTIVE DATE.** This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 13 day of September 2022

Signed,

By: Gary W. McCandless

Gary W. McCandless  
Chairman

By: Joseph G. Klinger

Joseph G. Klinger  
Commissioner, Illinois

By: Hugh L. Henry

Hugh Henry  
Commissioner, Kentucky