



Central Midwest Interstate Low-Level Radioactive Waste Commission

TWENTY-FIFTH ANNUAL REPORT

JULY 1, 2009 - JUNE 30, 2010

Prepared by the
Central Midwest Interstate
Low-Level Radioactive Waste
Commission

Commissioners
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**TWENTY-FIFTH ANNUAL REPORT
OF THE
CENTRAL MIDWEST INTERSTATE LOW-LEVEL
RADIOACTIVE WASTE COMMISSION**

JULY 1, 2009 – JUNE 30, 2010

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I. SUMMARY

This report summarizes the activities of the Central Midwest Interstate Low-Level Radioactive Waste Commission (Commission) during the Fiscal Year 2010 period of July 1, 2009, through June 30, 2010. The report also includes Commission meeting minutes and an annual audit of the Commission's finances for FY10.

II. BACKGROUND

In response to a federal policy, declared in the Low-Level Radioactive Waste Policy Act of 1980 (1980 Act) (42 USC 2021b et seq.), that each state is responsible for assuring that disposal capacity is available for certain categories of low-level radioactive waste (LLRW) generated within its borders, the State of Illinois and the Commonwealth of Kentucky entered into the Central Midwest Interstate Low-Level Radioactive Waste Compact (CMC). Congress has consented to the CMC and the Southeast, Midwest, Central States, Rocky Mountain, Northeast (also known as the Atlantic), Appalachian, Southwestern, Northwest and Texas Interstate Compacts.

A three-member Commission administers the CMC. The Illinois Commissioners are Joseph G. Klinger and Mary K. O'Brien. Dr. Edward S. Ford is the Chairman and Commissioner representing Kentucky. Marcia Marr is the Executive Director for the CMC.

The Commission is required to adopt, and amend as necessary, a Regional Management Plan. The Regional Management Plan describes the number and type of regional storage, treatment, and disposal facilities needed; adopts policies regarding source and volume reduction; and describes alternative means for treatment, storage, and disposal of LLRW. The Commission is authorized to designate a host state for each regional facility, but only a state that generates more than 10 percent of the region's total volume of low-level radioactive waste, as recorded on waste manifests, can be designated as a host state without volunteering. Historically, Kentucky has accounted for only a small percentage of the region's low-level radioactive waste. Illinois has been designated as the host state for a regional disposal facility. Use of storage, treatment, and disposal facilities in the region for LLRW originating from outside the region, and export of LLRW from the CMC region, is subject to Commission approval. The Commission may enter into an agreement or contract with a state, a group of states, or persons for access to a facility in the region.

In 1985, with the passage of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (1985 Act), Congress imposed significant new requirements on the states. Congress provided that regional compacts would eventually be allowed to deny access to out-of-region generators of LLRW, but the existing disposal facilities in Washington, Nevada, and South Carolina would be kept available on a limited basis until January 1, 1993. Access to these facilities was contingent on the non-sited states' or regions' demonstration of progress toward providing new disposal capacity. Progress was to be demonstrated by meeting a series of milestones. Illinois and Kentucky met the July 1, 1986, milestone by the formation of the CMC. The CMC met the January 1, 1988, milestone by identifying Illinois as the host state for the LLRW disposal facility and by submitting a plan for establishing such a facility.

The January 1, 1990, milestone required that either a complete license application for a low-level radioactive waste disposal facility be filed or, if an application was not filed, the Governor of each state without a license application would certify that the state would be capable of providing for the disposal of low-level radioactive waste generated within the state's borders after December 31, 1992. This milestone was met by the CMC when the Governors of Illinois and Kentucky submitted their joint certification on December 29, 1989.

The 1985 Act also allowed the sited states to collect surcharges from out-of-region generators of LLRW using their facilities. These surcharges increased over the period for 1986 to 1993. In 1986 and 1987, LLRW generators in Illinois and Kentucky paid a surcharge of \$10.00 per cubic foot of waste to the sited states. From 1988 through 1989, these generators in Illinois and Kentucky paid a surcharge of \$20.00 per cubic foot of waste to the sited states. Starting in 1990, these generators began paying \$40.00 per cubic foot of waste and the surcharge increased to \$120.00 per cubic foot after siting efforts failed. This surcharge was assessed through 1992, when the Policy Amendments Act surcharges ended. As certain milestones were met, the CMC, pursuant to federal law, received rebates of 25 percent of surcharges collected from its generators.

Penalties were imposed for failing to meet the milestones. In addition, any state or region unable to provide disposal capacity by January 1, 1996 was obliged to take title and possession of the LLRW and assume liability for any consequential damages to its generators. The United States Supreme Court ruled the "take title" provision from the 1985 Act unconstitutional.

III. IN REVIEW

A. Access to Existing Disposal Facilities

Generators in the Central Midwest region previously sent all classes of LLRW to the *EnergySolutions* disposal facility located near Barnwell, South Carolina. Under South Carolina law, the Barnwell facility is prohibited from accepting any waste from outside the Atlantic Compact Region (South Carolina, New Jersey and Connecticut) beginning July 1, 2008. With the closure of this facility to Central Midwest generators, the region has no disposal access for Class B and C low-level radioactive wastes.

Additionally, the generators in the Central Midwest Region continue to have access to the *EnergySolutions* (formerly known as Envirocare of Utah) disposal facility located in Clive, Utah. This facility accepts Class A waste, both containerized and uncontainerized and naturally occurring radioactive materials. This facility also accepts mixed waste (i.e., waste that is both radioactive and chemically hazardous) generated in the Central Midwest region. The Commission anticipates that Illinois and Kentucky generators will continue to have access to the *EnergySolutions* facility.

B. Development of New Disposal Capacity in the Central Midwest Region

In December 1996, the Illinois Low-Level Radioactive Waste Task Group adopted siting criteria. As directed by amendments to the state siting law enacted in June 1997, the Illinois State Geological and Water Surveys screened the state and produced maps showing the application of the siting criteria and submitted their findings to the Task Group and to the Illinois Department of Nuclear Safety (IDNS) on September 30, 1997. Prior to December 1, 2000, the IDNS held 3 public hearings throughout the state and submitted a report to the Governor and Legislative leaders regarding the impact and ramifications, if any, pertaining to the design, licensure, development, construction, operation, closure, and post-closure care of a regional disposal facility. After extensive economic modeling, the report concluded that it would not be economically viable at this time to pursue siting a facility in Illinois. A copy of this report is available to the public at no charge. Anyone interested in receiving a copy should contact the Illinois Emergency Management Agency at (217) 785-9986. The Compact asked the State of Illinois to prepare a report regarding LLW Management and the need for an interim storage facility in the region after the closure of

the Barnwell facility in 2008. The report is available by contacting the Illinois Emergency Management Agency at (217) 785-9986.

C. Interregional Facility Access Agreements

Interregional facility access agreements ensure that Illinois and Kentucky waste generators can continue to use the existing approved facilities outside the region to treat or temporarily store their waste. In addition, these agreements allow generators outside of the region to use approved existing treatment and storage facilities in Illinois, thereby maintaining the economic viability of these existing facilities. At the same time this ensures that waste from outside the Central Midwest Region will not become the responsibility of Illinois or Kentucky.

The Commission has entered into agreements with the Rocky Mountain, the Southwestern, Northeast, Midwest, and Southeast Compact, the State of Michigan and the Commonwealth of Massachusetts to provide for reciprocal access to facilities by waste generators in the respective Compact Regions. At a Regular Meeting in April 2006, the Commission voted to extend these agreements and they shall continue to be in effect until December 31, 2011.

On November 4, 1997, the Commission voted in favor of signing the national Interregional Access Agreement for Waste Management (October 23, 1992). To date this leaves only the Southeast Compact, New Hampshire, Puerto Rico, and Rhode Island who have not signed the National Agreement. However, the Central Midwest Compact has an Interregional Agreement with the Southeast Compact.

D. Regional Management Plan

The Commission is required to adopt and amend, as appropriate, a plan for managing the region's low-level radioactive waste. The Regional Management Plan was adopted in 1988. In May of 1999 at a meeting held in Chicago, Illinois, the Commission unanimously voted to accept the revised 1999 Regional Management Plan. A copy of the plan is available through the Internet address (URL) of the Illinois Emergency Management Agency at: <http://www.state.il.us/iema> or by calling the Commission office at (217) 785-9982.

E. Status of Facility Development in Other Compacts and States

Appalachian Compact

On June 18, 1998 the Appalachian Low-Level Radioactive Waste Commission voted to suspend the siting process. In December of 1998 the Commission voted to close the Commission office. The Commission continues to exist as a legal entity and holds an Annual Meeting. The Commission conducted a survey of all low-level radioactive waste generators to assess the impact of the scheduled closure of Barnwell in 2008. The survey concluded there would be no immediate impact on the low-level radioactive waste generators in the compact

Atlantic Compact

With the successful negotiations between the Northeast Compact and South Carolina to add South Carolina as a member state, all siting work in New Jersey and Connecticut has been terminated since the Barnwell disposal facility was named as the regional facility on July 1, 2000. New Jersey and Connecticut cannot ship more than a total of 800,000 cubic feet of waste to Barnwell and no non-compact waste will be allowed into Barnwell after June 30, 2008. Barnwell is currently the only option for disposal of Class B and C waste for generators located outside the Northwest and Rocky Mountain Compacts. In June 2006, the Chem-Nuclear/Duratek facility in Barnwell was acquired by Energy Solutions. In February 2007, legislation was introduced in South Carolina to allow the Barnwell facility to continue to take a limited amount of non-compact waste through fiscal year 2023. On March 23, 2007, the South Carolina House Agriculture, Natural Resources and Environmental Affairs Committee voted against the bill (16-0). On May 12, 2008, the South Carolina Budget and Control Board provided public notice that the importation of waste for disposal at Barnwell is no longer authorized as of July 1, 2008. At that time, over 90% of the Barnwell site will be closed and disposal will take place in a seven acre area. In June 2009, Chem-Nuclear and the South Carolina Budget and Control Board entered into a Memorandum of Understanding (MOU) regarding operational issues. The MOU provides that annual disposal rates and/or access fees will be established at a break-even level to meet all statutory and regulatory obligations. The compact continues to monitor Barnwell facility operations to ensure revenues meet operating costs.

Central Compact

On August 6, 1998, Nebraska regulators announced their intent to deny the license application for construction and operation of the proposed facility in Boyd County. On December 21, 1998, Nebraska regulators announced the state's decision to deny US Ecology's license application. In January 1999, US Ecology filed petitions to challenge the license decision. During the first session of the 1999 Nebraska Legislature, a bill was introduced to withdraw the state of Nebraska from the Central Compact. On May 12, 1999, the Governor of Nebraska signed legislation to remove the state from the Central Compact. The new law took effect August 29, 1999. Under the terms of the compact, however, withdrawal does not take effect until five years after the passage of the legislation. On June 25, 2003, the Central Commission voted to remove the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact. On August 9, 2004, the Central Compact voted to accept a settlement negotiated with Nebraska under which the state will pay the Compact Commission \$140.5 million plus interest and be paid by August 1, 2005. Upon completion of the payment, all pending lawsuits between the Commission and Nebraska would be ended. In July 2005 the Compact agreed that upon the timely receipt of the settlement from Nebraska, approximately \$4.2 million would be paid to the states of Arkansas, Kansas, Louisiana and Oklahoma (to be divided equally among them). A resolution was also passed at the July 2005 meeting to pay \$114.75 million to the major generators, but to withhold \$15 million to investigate, study and consider the future role and obligations of the Compact and pay US Ecology approximately \$11.8 million in resolution of the company's claim. In March of 2006, the Commission notified generators that its decision to retain \$5 million of the settlement was a final decision. On April 25, 2006, six generators filed a lawsuit against the Compact Commission seeking to preserve their interest in the retained funds. In January 2007, the district court dismissed the suit because the Compact has a need for money since it is still in existence. The compact continues to maintain an office in Lincoln, Nebraska.

Midwest Compact

The Midwest Compact has halted the process of siting a disposal facility. The Commission relieved Ohio of its host state designation and its obligation to site and operate a regional facility. The Commission plans to work with generators to examine options that provide a greater assurance of long-term access to existing disposal facilities. The State of Ohio drafted regulations pertaining to the storage of low-level radioactive waste,

including the development of an assured isolation facility. These State of Ohio draft regulations are independent of the Midwest Compact. The Commission has closed its offices, but continues to work with generators to assure access to disposal facilities.

Northwest Compact

The regional low-level radioactive waste disposal facility is located on the US DOE Hanford reservation on 100 acres of land subleased by US Ecology from the State of Washington. In addition, the Northwest Compact's member State of Utah hosts the *EnergySolutions* disposal facility. In November 2004, voters in the state of Washington approved an initiative known as the Cleanup Priority Act. This act would require the US Department of Energy to clean up the Hanford nuclear reservation before it sends any more waste to the facility. In June 2006, the US District Court for the Eastern District of Washington struck down the Cleanup Priority Act. The State of Washington filed an appeal and in May 2008, the appellate court upheld the lower court's decision. The state had until August 19, 2008 to decide if it will appeal the court decision. On September 14, 2007, *EnergySolutions* applied to the NRC for a license to import up to 20,000 tons of potentially radioactively contaminated material for Italy and export to generators in Italy any of the imported waste that could not be recycled. NRC is currently reviewing the application. In May 2008, the Northwest Compact adopted a resolution clarifying that arrangements would need to be approved, including foreign generated waste, prior to access to the region for disposal at the Clive facility. Also in May 2008, *EnergySolutions* filed a lawsuit against the Northwest Compact and its Executive Director arguing among other things, that the Clive facility is not a regional disposal facility under the Policy Act and, as such, the Compact lacks authority over the facility. In May 2009 the district court issued a finding that the Compact does not have the authority to restrict access to the Clive facility. In June 2009, notices of appeal were filed. In September 2009, six regional compacts, New Mexico and the Council of State Governments filed Amicus Briefs in support of the defendant. The U.S. Court of Appeals heard oral arguments in January 2010. At this time, the appellate court has not issued any decision.

Rocky Mountain Compact

The Rocky Mountain Board has a contract with the Northwest Interstate Compact Commission and the State of Washington for disposal at the Northwest Compact's regional facility in Hanford, Washington. Currently, there are no facilities within the compact region authorized to receive out-of-compact waste. Export authorization is required for all waste generated within the Compact region that is sent outside the region. The compact has jurisdiction (including import/export authority) over NORM/NARM.

Southeast Compact

The North Carolina LLRW Management Authority has ceased siting activities for a disposal site in the absence of a funding agreement with the Southeast Compact. The Commission continues to profess that it is, at least partially, the responsibility of North Carolina to fund development activities as part of its responsibility as host state. In December of 1997 the North Carolina authority resolved to "begin the orderly shut down" of the project pending the Southeast Compact's reversal of its funding position or receipt of other instructions from the North Carolina legislature. In June 1999, the States of Florida and Tennessee submitted an administrative complaint against North Carolina. The complaint contends that North Carolina has failed to fulfill its obligations as a party state and as the second host state of the Southeast Compact. On July 26, 1999, the North Carolina Governor signed into law a bill to withdraw North Carolina from the Southeast Compact. In 2002, the States of Alabama, Florida, Tennessee, and Virginia and the Southeast Compact Commission filed a lawsuit in the U.S. Supreme Court to enforce \$90 million in sanctions against the State of North Carolina. The suit accuses North Carolina of failing to comply with the provisions of North Carolina and the Southeast Compact laws and of not meeting its obligations as a member of the Compact. This filing represents the next step to enforce sanctions imposed against North Carolina by the Compact. On June 16, 2003, the U.S. Supreme Court granted the Southeast Compact and four of its member states an order to exercise the original jurisdiction in the suit against North Carolina and gave the state of North Carolina 30 days in which to file an answer. The suit is in the development of evidence phase before a Special Master. In July 2009, the Compact filed an Amicus Brief jointly with the Central, Midwest, Northwest and Rocky Mountain compacts in support of the plaintiffs. On June 1, 2010 the Court ruled in favor of the State of North Carolina. The Southeast Compact plans to proceed with legal action regarding this case.

In June 2009, the Compact revised its policy statement on the management of commercial low-level radioactive waste. The statement identifies a preferred course of action and the impact of the loss of access for Class B & C waste. A copy of the policy statement and other compact documents can be found at the compact web site:

<http://www.secompact.org>

Southwestern Compact

The California legislature eliminated the proposed funding for the state's low-level radioactive waste program. Funding became an issue when the U.S. District Court for the District of Columbia ruled in favor of the federal government concerning the site for the proposed Ward Valley facility. The suit sought to compel the U.S. Department of Interior to transfer the federal land on which the site is located to the state. On March 31, 1999 the court declined to order the federal government to perform the transfer. In 1999, the State of California adopted a budget that to date does not include any money for the state's low-level radioactive waste program. In 2002, the California legislature introduced bills that would disallow use of the Ward Valley site for use as a disposal facility and in 2003 the State of California enacted a statute, which disallowed the licensed Ward Valley facility from being constructed. In March 2003, the Superior Court of California ruled in favor of the State of California, finding that US Ecology had failed to establish the element of causation. US Ecology filed a motion to vacate the March ruling and enter a new judgment. On May 30, 2003, the court denied that motion. US Ecology has indicated it has no plans to further appeal the matter. The Commission is considering formalizing its relationships with commercial disposal facilities in the clear absence of progress by California in developing disposal capacity. To date, the Southwestern Compact has sent several letters to the California Governor inquiring as to the plans of the state to meet its' legal obligation to provide a low-level radioactive disposal facility. To date, the Governor has not responded to the letters. The most recent of these letters was sent in January 2010.

Texas Compact

On October 7, 1997 the U.S. House approved Maine and Vermont joining Texas in establishing a low-level radioactive waste compact. In April 1998 the Senate passed the same legislation. President Clinton signed the

compact consent legislation into law on September 20, 1998. In April 2002, the State of Maine presented legislation to withdraw from the Texas Compact. Maine was obligated to pay Texas \$25 million to offset construction costs for a disposal facility. Also, Maine contends that Texas failed to build a facility in a timely manner under Section 4.04 of the Compact agreement. The Governor of Maine signed this bill in late April. The withdrawal of Maine from the Texas Compact took effect in April 2004 under the Compact law. The Texas Low-Level Radioactive Waste Disposal Compact Commission held its first meeting on February 13, 2009.

In June 2003, legislation was approved in Texas that allows for the creation of two privately operated waste disposal facilities in Texas. One facility may dispose of federal facility waste and the other facility may dispose of commercial low-level radioactive waste. New legislation passed in 2003 required low-level radioactive waste disposal applications be submitted to the state by August 6, 2004. On August 4, 2004, Waste Control Specialists, (WCS) filed an application with the Texas Commission on Environmental Quality (TCEQ). On June 5, 2006 TCEQ sent a letter advising WCS that the application contained several unresolved deficiencies that put in jeopardy the schedule for completing the technical review in 15 months. On June 5, 2006, TCEQ issued WCS a List of Concerns that needs to be addressed before the application can be considered. WCS revised its application and submitted it to TCEQ. In August 2008 the TCEQ filed a response to the submitted comments. On January 14, 2009, TCEQ Commissioners denied hearing requests and approved a licensing order. A final license was issued on September 10, 2009. The projected date for the facility to become operational is late 2010/2011. Further information regarding the WCS facility in Andrews County can be found at:

www.tceq.state.tx.us

The following unaffiliated states are not currently pursuing siting:

Massachusetts, Michigan, New York, District of Columbia, New Hampshire, Puerto Rico, Rhode Island, Nebraska and North Carolina

IV. COMMISSION ACTIVITIES

- A.** August 28, 2009 Annual Meeting held in Oak Brook, Illinois
(See **Appendix A**)
- B.** January 15, 2010 Regular Meeting held in Chicago, Illinois
(See **Appendix B**)
- C.** April 16, 2010 Regular Meeting held in Lexington, Kentucky
(See **Appendix C**)
- D.** May 26, 2010 Telephone Meeting
(See **Appendix D**)

V. Audit

The financial records of the Commission were audited in compliance with Article XI of the Commission's bylaws. The auditing firm of Estes, Bridgewater, and Ogden of Springfield, Illinois, performed an audit of the Commission's records finding that the financial statements accurately represent the Commission's financial position according to generally accepted accounting principles. A copy of the audit is included in **Appendix E** of this report.

VI. Internet Address

Meeting transcripts and other announcements of the Central Midwest Interstate Low-Level Radioactive Waste Commission may be accessed through the Internet address (URL) of the Compact's Web Site at:

www.cmcompact.org

Appendix A

**Minutes of an Annual Meeting
Of the
Central Midwest Interstate Low-Level
Radioactive Waste Commission**

**August 28, 2009
Oak Brook, Illinois**

The Annual Meeting of the Central Midwest Interstate Low-Level Radioactive Waste Commission (Commission) was held on August 28, 2009 at the Oak Brook Hills Marriott in Oak Brook, Illinois. Chairman Edward Ford, Kentucky, Secretary/Treasurer Mary K. O'Brien, Illinois and Commissioner Joseph Klinger, Illinois were all present for the meeting.

Chairman Ford called the meeting to order at 9:30 a.m. Commissioner O'Brien made a motion to adopt the agenda and Commissioner Klinger seconded the motion with the request that an executive session be added to the agenda and all members voted in favor of the amended agenda.

The next order of business was the election of officers for the Commission. Commissioner Klinger made a motion that the current officers remain in their same positions. Commissioner O'Brien seconded and the motion passed unanimously.

Commissioner Klinger made a motion to adopt the draft minutes from the April 17, 2009 meeting. Commissioner O'Brien seconded and all members voted in favor of adopting the minutes as presented.

At this time the Chairman asked if anyone from the public would like to address the Commission. The Chairman introduced two guests that were present at the meeting. Dan Shrum from *EnergySolutions* in Utah and Bre Clark from the US Army in Rock Island, Illinois were asked if they wanted to address the Commission, both declined.

The next item on the agenda was the Chairman's Report. Chairman Ford indicated he had nothing to report at this time and asked that Commissioner Klinger address the Commission regarding the Host State Report.

Commissioner Klinger discussed a "Draft" report done by the Low-Level Waste Section at the Illinois Emergency Management Agency (IEMA). Mike Klebe from IEMA was asked to come forward and discuss this planning document regarding the management of low-level radioactive waste and the lack of disposal options for Class B & C waste.

Mr. Klinger next discussed communication IEMA has received from an individual in Iroquois County regarding volunteering a site for a low-level radioactive waste disposal site. Mr. Jerome Joyce was present at the meeting and discussed a newspaper article regarding this subject. A meeting was held in Iroquois County on August 25th about the possibility of such action. No action was taken at this informational meeting... To date IEMA has heard nothing else regarding this matter.

Commissioner Klinger next discussed the action that will be taken by EnergySolutions regarding the continuation of decommissioning activities at the Zion facility. The company will need to decide by December 31, 2009 if they will proceed with decommissioning.

IEMA will host an annual conference in Springfield on September 8-10, 2009. Last year there were over one thousand participants and it appears there will be about the same number of attendees this year.

Mr. Klinger next discussed his attendance at an NRC meeting held in Washington, DC for state liaison officers. The nuclear fuel cycle and the WCS site in Andrews County, Texas were also discussed. Many other topics of interest were on the agenda including, depleted uranium, low-level radioactive waste issues including increasing Class B and C disposal access, spent fuel and high level waste status, and Yucca Mountain.

The Chairman next asked for the Executive Director's report and Marcia Marr addressed the Commission. Ms. Marr first discussed the Commission's new Web Site and showed the Commissioners what the site looks like, what is included and asked if there were any suggestions for changes before it goes on line next week. After a full presentation, some minor suggestions were made and that will be corrected next week. After the Compact's web site presentation was completed, Commissioner Klinger showed the Commissioners the IEMA web site and highlighted changes that have been made to that site.

Marcia next discussed the importation and exportation regulations that are being discussed within the Texas Compact. This is something that she is monitoring very closely and especially the importation regulations. The Chair of the Texas Compact, Michael Ford, will be at the LLW Forum meeting being held in September in Park City, Utah. He is on the agenda to update attendees about the Texas Compact.

A Generator/Licensee Conference is tentatively scheduled for October 2010 and Ms. Marr asked for a motion from the Commission to help support this conference and that she start the preliminary logistics. Commissioner O'Brien made a motion to support efforts for this conference and Commissioner Klinger seconded.

Marcia reported that the Contact List and Summary reports for the LLW Forum have been completed and will be mailed out to the distribution list in September.

Discussion of the Auditors Report was the next agenda item. Sue Hurst came forward to discuss this with the Commissioners. The audit was for the period from July 1, 2008 through June 30, 2009. Ms. Hurst reported that it was a clean audit and there were no findings. Commissioner O'Brien made a motion to approve the audit and Commissioner Klinger seconded. Motion carried.

Ms. Hurst discussed the proposed budget for FY 10. After reviewing the budget that was presented, Commissioner O'Brien made a motion to adopt the budget as presented for FY 10 and Commissioner Klinger seconded. All members voted in favor of the motion.

Adoption of the Twenty-Fourth Annual Report was the next business item on the agenda. Commissioner O'Brien moved that the Twenty Fourth Annual Report for the Central Midwest Interstate Low-Level Radioactive Waste Commission be adopted and Commissioner Klinger seconded. The report will now be printed and sent to the legislative leaders in Illinois and Kentucky and any interested party that expresses an interest in receiving a copy of the report.

Executive Director Marr next read the proposed By-Law changes for the Commission. These proposals were read at the last meeting and need a vote of approval at this meeting. Ms. Marr read the changes into the record and Commissioner Klinger made a motion to accept the new changes to the by-laws as read. Commissioner O'Brien seconded the motion and the motion passed unanimously.

Chairman Ford next addressed the Northwest Compact amicus brief. The Midwest Compact signed a letter of support regarding this brief and the Northwest Compact solicited input from other compacts and asked them to join in this filing. The parties that already signed this are the Rocky Mountain Compact, the Southeast Compact, the Central Compact and the Texas Compact. The Atlantic Compact has not yet made a final decision on this matter. Chairman Ford emphasized that by signing onto this amicus brief, it is in no way a sign of anything against *EnergySolutions*, it is simple showing support for the Northwest Compact. At this time Mr. Klebe gave a brief history of federal and state statutes and the implications for facility development in the region. After discussion, Chairman Ford asked for a motion to allow the Central Midwest Interstate Low-Level Radioactive Waste Commission to sign as a party to this amicus brief. Commissioner Klinger made such motion and Commissioner O'Brien seconded.

The next item on the agenda is the second public comment period. With no one from the public coming forward to address the Commission, the Chairman closed the second public comment period.

The Chairman at this time called for a meeting of the Commission to be held in Executive Session. After returning from Executive Session, Commissioner O'Brien made a motion to adjourn and Commissioner Klinger seconded. The Commission stood adjourned.

Appendix B

**Minutes of a Regular Meeting
Of the
Central Midwest Interstate Low-Level
Radioactive Waste Commission**

**January 15, 2010
Chicago, Illinois**

A Regular Meeting of the Central Midwest Interstate Low-Level Radioactive Waste Commission (Commission) was held on January 15, 2010 at the Embassy Suites, 600 North State Street, Chicago, Illinois. Chairman Ford, Kentucky, Secretary/Treasurer O'Brien, Illinois and Commissioner Joseph Klinger, Illinois were all present for the meeting.

Chairman Ford called the meeting to order at 9:30 a.m. Commissioner O'Brien moved to adopt the agenda and Commissioner Klinger seconded the motion.

Commissioner O'Brien made a motion to adopt the minutes from the August 28, 2009 meeting as presented and Commissioner Klinger seconded. All members voted in favor of the motion.

Chairman Ford asked if anyone from the public would like to address the Commission at this time during the First Public Comment Period. With no one coming forward the Chairman closed this public comment period.

The next order of business was the Chairman's Report. Chairman Ford discussed the lack of ability to contact generators in Kentucky. At the present time only five or six have been identified. Commissioner Klinger discussed the possibility that he would contact some people he has worked with in Kentucky and see what information he could obtain from them. He will also extend an invitation for them to attend the next meeting of the Commission.

The Host State Report was the next item on the agenda and the Chairman asked Commissioner Klinger to update the Commission on activities in the Host State. Mr. Klinger first reported on the generator program at the Illinois Emergency Management Agency (IEMA). Vera Small who worked in this program has taken another position in the agency and Marcia Marr and Mike Klebe will take over these responsibilities. Commissioner Klinger reported that he and Marcia Marr had attended the Low-Level Radioactive Waste Forum (Forum) meeting in Park City, Utah. The Commission is a member of the Forum and it is important that we attend the meetings to interact with other state and compact representatives and be updated on current issues pertaining to the management of low-level waste nationally. Mr. Klinger also reported he had attended a meeting of the Northwest Compact and discussed his role with the Conference of Radiation Control Program Directors (CRCPD) and the SCATR program and the orphan source recovery program. Commissioner Klinger next talked about the Zion Decommissioning and the impact it will have on the State of Illinois and the Commission. The decision to start decommissioning efforts was to be made in December. Mr. Klinger called upon Chris Brown, Exelon and Dan Shrum, *EnergySolutions* who were both present to discuss this and update the Commission

on activities regarding Zion. Mr. Brown stated this had been delayed mainly because the funds a year ago dropped significantly. Mr. Shrum stated he believed the funds were close to being back to where they need to be at this time. Mr. Brown and Mr. Shrum both stated that both companies have another two years to finalize this decision. Michael Klebe, IEMA discussed the fact that on May 4, 2009, the Nuclear Regulatory Commission (NRC) approved the license transfer order which has a one-year shelf life. Exelon would have to petition the NRC to extend this transfer.

The Chairman asked Marcia Marr to come forward to present the Executive Director's Report. At this time Executive Director Marr asked for a motion to approve the payment of the membership dues for the Forum. Commissioner O'Brien made a motion to approve payment for the Forum dues. Commissioner Klingler seconded, motion carried. Ms. Marr further discussed the generator program at IEMA. Surveys have been sent to approximately 450 registered generators of low-level radioactive waste in the State of Illinois. This is the first year this survey is electronic and able to be completed and submitted on line. As Mr. Klingler talked about earlier, Ms. Marr also attended the Forum meeting in Park City, Utah and participated in a tour of the *EnergySolutions* facility in Clive, Utah. This tour was part of the meeting. The next meeting of the Forum is in Austin, Texas and Ms. Marr will be attending that meeting. This will be her last meeting as Chair of the Forum. She will still be an officer and a member of the executive committee and the Commission will still have a lot of interaction with the Forum in this capacity. Ms. Marr was not approved to attend the Waste Management Symposia in Phoenix this year. Todd Lovinger will take her place as session chair this year for the Forum's panel in Phoenix. Mr. Lovinger and Ms. Marr worked very hard to put a panel together that include presenters from *EnergySolutions*, the Army in Rock Island, Waste Control Specialists, Louisiana Energy and the Texas Compact. Ms. Marr next discussed the Commission web site. The suggested changes to the site have been completed. Notices for this meeting were sent out electronically. More documents have been added including the 24th Annual Report of Commission activities.

Chairman Ford asked for the Contractor Reports at this time. Marcia Marr read a report submitted by Don Fowler regarding an update of the Texas Compact activities. Mr. Fowler was not able to attend this meeting. Jerome Joyce next gave a report to the Commission regarding legal activities in the Northwest Compact. Oral arguments were being heard yesterday and he was unable to get any information regarding that court action. Dan Shrum, *EnergySolutions* added that yes indeed oral arguments were heard yesterday, both sides presented their case, questions were asked and the judge indicated it could be months before there is a final decision.

In other business related to the Commission, Chairman Ford discussed the Texas Compact and the idea of importation of waste into the Waste Control Specialists facility. Chairman Ford plans to attend the Forum meeting in March and perhaps discuss disposal of waste generated the Central Midwest Interstate Low-Level Radioactive Waste Compact. Dr. Ford next reminded the Commissioners that the Commission has no attorney of record. He asked that the Commissioners think about this and discuss this further at the next meeting of the Commission. Attendance at the some future Texas Compact meeting was discussed and Commission Klinger and/or Executive Director Marr could try to attend one of the future meetings in Texas.

Chris Brown of Exelon asked to address the Commission regarding Exelon's request to change the license at the LaSalle plant. Space is becoming scarce at the Braidwood and Byron plants for the storage of waste on site. Exelon is asking that some of the waste stored at those two plants could be moved to LaSalle. The Commissioners agreed that we will need to be informed of any activity regarding this request for a change to the license.

Chairman Ford asked if anyone wished to address the Commission during the Second Public Comment Period. Dan Shrum clarified and added some comments regarding the lawsuit in the Northwest Compact.

With no other business before the Commission, Ms. O'Brien made a motion to adjourn and without objection the meeting was adjourned.

Appendix C

**Minutes of a Regular Meeting
Of the
Central Midwest Interstate Low-Level
Radioactive Waste Commission**

**April 16, 2010
Lexington, Kentucky**

A Regular Meeting of the Central Midwest Interstate Low-Level Radioactive Waste Commission (Commission) was held on April 16, 2010 at the Hyatt Regency Lexington, 401 West High Street, Lexington, Kentucky. Chairman Ford, Kentucky, Secretary/Treasurer Mary K. O'Brien and Commissioner Joseph Klinger were all present for the meeting.

Chairman Ford called the meeting to order at 10:00 am. Commissioner O'Brien moved to adopt the agenda and Commissioner Klinger seconded. Without objection, the agenda was adopted as presented.

Commissioner O'Brien made a motion to accept the draft minutes from the January 15, 2010 meeting in Chicago. Commissioner Klinger seconded. Without objection the agenda was adopted.

Commissioner O'Brien made a motion to accept the draft minutes from the January 15, 2010 meeting held in Chicago. Commissioner Klinger seconded and the minutes were accepted as presented to the Commission.

Chairman Ford opened the first public comment period. Seeing no one from the public come forward, Dr. Ford closed the first public comment period.

The next order of business was the Chairman's Report. Dr. Ford discussed Senate Bill 26 that was introduced in the Kentucky legislature regarding the lifting of the ban on nuclear power plants. The Senate Bill 26 passed the senate and is backed by the Governor. The bill at this point in time is stalled in the Appropriations Committee of the Kentucky House of Representatives. The Legislature adjourned with no final decision on this matter. Chairman Ford will keep the Commissioners updated on this matter.

The next item on the agenda was the Host State Report. Commissioner Klinger introduced Dewey Crawford from the Radiation Control Program in Kentucky. Also in attendance was Matt McKinley who is in charge of the Radioactive Materials Program. Mr. Klinger updated the Commissioners a bill in Illinois that would also lift the ban on construction of new nuclear power plants in Illinois. Mr. Klinger will continue to follow this legislation and report any information to the Commission. Mr. Klinger discussed his attendance at the LLW Forum, Inc.(Forum) meeting in Austin, Texas and the valuable information provided by the Forum to its members. Both Illinois, as a Host State and the Commission are members for the Forum. Commissioner Klinger recognized Marcia Marr for her leadership of the Forum as Chair for two years and continuing to serve the Forum as an officer and member of the Executive Committee. Mr. Klinger stated he was elected to the Forum's Executive Committee at the meeting in Austin. Commissioner Klinger updated the Commission regarding the status of

the Texas Compact. At this point Texas is only allowed to receive waste from the states of Texas and Vermont. Discussion has been ongoing regarding efforts to import waste from other states and compacts. We will continue to follow this progress as it would be very valuable if the facility could take any Class B & C waste from the Central Midwest Compact generators. Even though the operator of the facility, Waste Control Specialists would welcome the opportunity to take waste from outside the Compact, the state of Texas would still have to give them final approval. Mr. Klinger reminded the Commissioners that the Compact and the State of Illinois will host a generators/licensee conference in December in Chicago, Illinois. Further details for this conference will be addressed at the Compacts annual meeting being held in September. Discussion followed regarding the decommissioning of the Zion Nuclear Power Plant in Illinois. Dan Shrum, Energy Solutions was present and stated that a decision is very close regarding this matter. The Nuclear Regulatory Commission granted approval for this accelerated decommissioning of Zion. The decommissioning could begin next year and we will continue to follow this very closely.

The Chairman asked Marcia Marr, Executive Director to give the Executive Director's Report. Ms. Marr stated that like Mr. Klinger and Dr. Ford, she attended the LLW Forum, Inc. meeting held in Austin, Texas. The next meeting of the Forum will be in September in Saratoga Springs, New York. Since Mr. Klinger and Marcia now serve on the Executive Committee of the Forum having a presence at the meeting helps us learn things that are happening nationally and of importance to Illinois and Kentucky. The date for the Compact's Annual meeting is September 10, 2010 and will be held at the Oak Brook Hills Marriott in Oak Brook, Illinois. Ms. Marr next discussed the generator/licensee conference being held in December in Chicago, Illinois. This is a bi-annual conference and about 150 attendees are expected. Speakers will discuss current issues that are both important to LLW generators and radioactive material licensee. There will be space for exhibitors. These exhibitors are brokers and processors and will have the opportunity to dialogue with attendees.

The Contractor's Reports were the next item on the agenda and Mr. Jerome Joyce came forward to discuss the Northwest Compact's lawsuit. The lawsuit centers around the challenge of the Compact the have the authority to govern the EnergySolutions disposal site in Clive, Utah. Oral arguments in the lawsuit were heard January 24, 2010 in Denver. The suit was based primarily on the Northwest Compact's attempt to prevent and restrict EnergySolutions' desire to import foreign waste to the Clive facility. Both sides of the suit feel confident that they will prevail, but it may be a year or more before the court makes a decision on this matter.

Mr. Fowler next addressed the Commission regarding the Texas Compact. He will attend the next meeting of the Texas Compact being held in May in Andrews County, Texas. He will make a report to the Commissions regarding that meeting at the September meeting of the Central Midwest Compact.

Chairman Ford asked that the Commission go into an Executive Session. The Commission was off the record during the Executive Session. When returning from Executive Session, the meeting was called back to order. Chairman Ford stated no action was taken during the Executive Session and personnel matters were discussed.

The Chairman asked if anyone had any other business to discuss at this time. No other business came before the Commission.

Chairman Ford opened the Second Public Comment Period. Mr. Crawford discussed TENORM and issues that are related to the Commonwealth of Kentucky and the Compact. Mr. McKinley discussed a refractory manufacturer that closed and moved their production to Mississippi. The material from the decommissioning is being sent to Idaho. Mr. Crawford and Mr. McKinley will continue to update the Commission on these activities and others as they relate to issues that should be watched and monitored by the Commission.

The Chairman asked if anyone else had any other business for the Commission and seeing none, the meeting was adjourned.

Appendix D

**Minutes of a Telephone Meeting
Of the
Central Midwest Interstate Low-Level
Radioactive Waste Commission**

May 26, 2010

A Telephone Meeting of the Central Midwest Interstate Low-Level Radioactive Waste Commission (Commission) was held on May 26, 2010 at the office of the Illinois Emergency Management Agency (IEMA), 1035 Outer Park Drive, Springfield, Illinois. Chairman Edward Ford, Kentucky was present by telephone, Secretary/Treasurer Mary K. O'Brien was also present by telephone. Commissioner Joseph Klinger, Illinois was present at the Springfield location.

Chairman Ford called the meeting to order at 10:00 am. The Chairman asked Marcia Marr, Executive Director to conduct the remainder of the meeting and she was present at the Springfield office of IEMA.

Commissioner Klinger made a motion to accept the agenda for the meeting as presented and Commissioner O'Brien seconded.

With no one from the public either present in person or by telephone the first public comment period was closed.

The next order of business was the discussion of contracts for FY 11 with Donald Fowler and Jerome Joyce. Ms. Marr outlined the final agreement with the contractors for the FY 11 contract year. Mr. Joyce's contract will remain the same as last year at an amount not to exceed \$75,000.00. Mr. Fowler's contract has been reduced to an amount not to exceed \$25,000.00. Commissioner O'Brien made a motion to accept the contracts for FY 11 with Mr. Joyce and Mr. Fowler and Commissioner Klinger seconded the motion. Without objection the motion passed.

Regarding other business, Chairman Ford asked for an update on the decommissioning of the Zion power plant. Commissioner Klinger discussed the delay of decommissioning until June 2010. This will be an item to be discussed in more detail at the Annual Meeting being held in September in Oak Brook, Illinois.

Dr. Ford stated he is still planning to retire from the Commission after the Annual Meeting. Chairman Ford will submit his resignation to the Governor of Kentucky at that time and recommend Dewey Crawford to fill the vacancy.

Ms. Marr asked if anyone had any other business to discuss at the time and with no public present, asked for a motion to adjourn the meeting. Commissioner O'Brien made this motion and Commissioner Klinger seconded.

Appendix E

**CENTRAL MIDWEST INTERSTATE LOW-LEVEL
RADIOACTIVE WASTE COMPACT COMMISSION**

AUDITED FINANCIAL STATEMENTS

**FOR THE YEARS ENDED
JUNE 30, 2010 AND 2009**

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission

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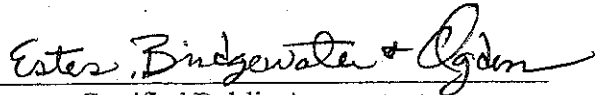
Independent Auditor's Report

Board of Commissioners
Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission

We have audited the accompanying balance sheet of the Central Midwest Interstate Low-Level Radioactive Waste Compact Commission as of June 30, 2010 and 2009, and the related statement of revenue, expenditures and changes in fund balance and cash flows for the years then ended. These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Central Midwest Interstate Low-Level Radioactive Waste Compact Commission as of June 30, 2010 and 2009, and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.


Certified Public Accountants

September 1, 2010

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission
BALANCE SHEET
June 30, 2010 and 2009

Statement 1

	<u>2010</u>	<u>2009</u>
<u>Assets</u>		
CURRENT ASSETS		
Cash and cash equivalents	\$ 10,684	\$ 8,117
Investments (Note 3).....	2,491,144	2,552,280
Interest receivable	10,150	21,503
Accounts Receivable.....	-	45
TOTAL ASSETS	<u>\$2,511,978</u>	<u>\$2,581,945</u>
<u>Liabilities and Fund Balance</u>		
CURRENT LIABILITIES		
Accounts payable	\$ 11,910	\$ 4,600
FUND BALANCE	<u>2,500,068</u>	<u>2,577,345</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$2,511,978</u>	<u>\$2,581,945</u>

The accompanying notes are an integral part of these financial statements.

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission
**STATEMENT OF REVENUE, EXPENDITURES AND
CHANGES IN FUND BALANCE**
For the Years Ended June 30, 2010 and 2009

Statement 2

	<u>2010</u>	<u>2009</u>
REVENUE		
Interest	\$ 62,692	\$ 94,785
 EXPENDITURES		
Meetings	3,232	6,632
Travel	11,488	14,599
Administrative expense	12,180	11,971
Professional fees	2,400	2,000
Insurance	4,470	4,462
Contractual services	<u>106,199</u>	<u>116,000</u>
 Total expenditures	<u>139,969</u>	<u>155,664</u>
 (DEFICIENCY) OF REVENUE OVER EXPENDITURES	(77,277)	(60,879)
 FUND BALANCE – BEGINNING	<u>2,577,345</u>	<u>2,638,224</u>
 FUND BALANCE – ENDING	<u>\$2,500,068</u>	<u>\$2,577,345</u>

The accompanying notes are an integral part of these financial statements.

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission
STATEMENT OF CASH FLOWS
For the Years Ended June 30, 2010 and 2009

Statement 3

	<u>2010</u>	<u>2009</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
(Deficiency) of revenue over expenditures.....	(\$ 77,277)	(\$ 60,879)
Adjustments to reconcile (deficiency) of revenues over expenditures to cash flows from operating activities:		
Changes in operating assets and liabilities:		
Decrease in interest receivable	11,353	9,393
Increase in accounts payable.	7,310	3,130
Decrease in accounts receivable.....	<u>45</u>	<u>355</u>
Net cash (used for) operating activities.....	(<u>58,569</u>)	(<u>48,001</u>)
CASH FLOWS FROM INVESTING ACTIVITIES:		
Investments matured	213,000	129,010
Investments purchased.....	(<u>151,864</u>)	(<u>73,254</u>)
Net cash provided by investing activities.....	<u>61,136</u>	<u>55,576</u>
NET INCREASE IN CASH AND CASH EQUIVALENTS	2,567	7,755
CASH AND CASH EQUIVALENTS – BEGINNING.....	<u>8,117</u>	<u>362</u>
CASH AND CASH EQUIVALENTS – ENDING.....	\$ <u>10,684</u>	\$ <u>8,117</u>

The accompanying notes are an integral part of these financial statements.

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission
NOTES TO FINANCIAL STATEMENTS
June 30, 2010 and 2009

NOTE 1 - NATURE OF ORGANIZATION

The Central Midwest Interstate Low-Level Radioactive Waste Compact Commission was entered into by the State of Illinois and the Commonwealth of Kentucky in response to Section 4(a)(2) of the 1980 Federal Low-Level Radioactive Waste Policy Act (P.L. 96-573). Both states enacted identical compact legislation and the compact was ratified by the U.S. Congress in the 1985 Low-Level Radioactive Waste Policy Amendments Act (P.L. 99-240).

The purposes of the Compact are:

1. to provide the instrument and the framework for a cooperative effort between the party states;
2. to provide sufficient facilities for the proper management of low-level waste generated in the region;
3. to protect the health and safety of the citizens of the region;
4. to limit the number of facilities required to manage low-level waste;
5. to promote volume and source reduction of the region's low-level waste;
6. to distribute the costs, benefits, and obligations of low-level waste management equitably between the member states and among the generators who use regional facilities;
7. to ensure the ecological and economical management of low-level waste including the prohibition of shallow land burial as a disposal technology; and
8. to promote the use of disposal technologies that will provide greater and safer confinement of low level waste than that provided by shallow land burial.

The first meeting of the Commission was held in Springfield, Illinois, on March 29, 1985. Illinois and Kentucky submitted checks in the amount of \$50,000 each and this \$100,000 was designated as the Commission's fund. The official letters of appointment of the Commissioners by Governor James Thompson (IL) and Governor Martha Collins (KY) were also submitted. The Commission was formally established by these actions.

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission
NOTES TO FINANCIAL STATEMENTS
June 30, 2010 and 2009

NOTE 1 - NATURE OF ORGANIZATION, cont'd.

The initial state membership fees were the primary source of income for the first year of operation. However, under the provisions of the 1985 Act, compact commissions in regions without operating facilities will receive rebates from a fund maintained by the U.S. Department of Energy. The source of the fund is 25% of a surcharge levied on producers of low-level waste located in regions without disposal facilities and paid to the state in which the low-level waste is sent for disposal. The funds will be rebated to the states when certain milestones are met. The 1985 Act established four milestones: July 1, 1986; January 1, 1988; January 1, 1990; and January 1, 1993. The U.S. Department of Energy rebated funds to the Commission for the first three milestones during earlier fiscal years. On September 1, 1994, the Commission received one-half of the funds held in trust by the U.S. Department of Energy due to the January 1, 1993, milestone. There is no major source of funding foreseen for the commission until low-level waste facilities are operating in the region.

The compact designates that the headquarters of the Commission will be the host state. Since Illinois is the host state of the region's low-level waste facilities, the Commission headquarters are at the Illinois Emergency Management Agency (IEMA) offices in Springfield, Illinois.

NOTE 2 - SIGNIFICANT ACCOUNTING POLICIES

Assets, liabilities, revenue and expenses are recognized on the accrual basis of accounting.

Investments, which consist of certificates of deposit and money market accounts, are stated at cost.

Cash and cash equivalents for the statement of cash flows consists of cash in checking. The Commission considers all highly liquid investments with a maturity date of ninety (90) days or less to be cash equivalents.

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Financial instruments which potentially subject the Commission to concentrations of credit risk include cash, cash equivalents, and investments. The Commission places its cash, cash equivalents, and investments with credit-worthy, high quality financial institutions. As of June 30, 2010 the Commission has no significant concentrations of credit risk.

In accordance with Statement of Financial Accounting Standards (SFAS) No. 165, *Subsequent Events*, the Organization reviewed events for inclusion in the financial statements through September 1, 2010, the date that the financial statements were available to be issued. There were no subsequent events that required recognition or disclosure in the financial statements.

Central Midwest Interstate Low-Level
Radioactive Waste Compact Commission
NOTES TO FINANCIAL STATEMENTS
June 30, 2010 and 2009

NOTE 3 - INVESTMENTS

Investments consisted of the following at June 30, 2010 and 2009:

	<u>June 30, 2010</u> Cost	<u>June 30, 2009</u> Cost
Money market accounts	\$ 243,678	\$ 234,280
Certificates of deposit.....	<u>2,247,466</u>	<u>2,318,000</u>
	<u>\$2,491,144</u>	<u>\$2,552,280</u>

The Commission has the ability and intent to carry all investments to maturity. Market in most cases approximate costs.

NOTE 4 - FEDERAL INCOME TAX

The Commission is operating under an exemption letter dated March 4, 1986, exempting it from income tax under Section 115 of the Internal Revenue Code.

The Commission is not involved in any activities which would be considered unrelated to its exempt status; therefore, there is no tax on unrelated business income.

The Commission has been classified as an organization that is not a private foundation under Section 509(a)(2) of the Internal Revenue Code.