

7. EACH PARTY STATE SHALL HAVE THE CAPABILITY TO HOST A REGIONAL FACILITY IN A TIMELY MANNER AND TO ENSURE THE POST-CLOSURE OBSERVATION AND MAINTENANCE, AND INSTITUTIONAL CONTROL OF ANY FACILITY WITHIN ITS BORDERS.

8. NO NON-HOST PARTY STATE SHALL BE LIABLE FOR ANY INJURY TO PERSONS OR PROPERTY RESULTING FROM THE OPERATION OF A REGIONAL FACILITY OR THE TRANSPORTATION OF WASTE TO A REGIONAL FACILITY; HOWEVER, IF THE HOST STATE ITSELF IS THE OPERATOR OF THE REGIONAL FACILITY, ITS LIABILITY SHALL BE THAT OF ANY PRIVATE OPERATOR.

C. THE RIGHTS, RESPONSIBILITIES AND OBLIGATIONS OF A HOST STATE ARE AS FOLLOWS:

1. TO THE ~~EXTEND~~ EXTENT NOT PROHIBITED BY FEDERAL LAW, A HOST STATE SHALL ENSURE THE TIMELY DEVELOPMENT AND THE SAFE OPERATION, CLOSURE, POST-CLOSURE OBSERVATION AND MAINTENANCE, AND INSTITUTIONAL CONTROL OF ANY REGIONAL FACILITY WITHIN ITS BORDERS.

2. IN ACCORDANCE WITH PROCEDURES ESTABLISHED IN ARTICLE V AND IX, THE HOST STATE SHALL PROVIDE FOR THE ESTABLISHMENT OF A REASONABLE STRUCTURE OF FEES SUFFICIENT TO COVER ALL COSTS RELATED TO THE DEVELOPMENT, OPERATION, CLOSURE, POST-CLOSURE OBSERVATION AND MAINTENANCE, AND INSTITUTIONAL CONTROL OF A REGIONAL FACILITY. IT MAY ALSO ESTABLISH SURCHARGES TO COVER THE REGULATORY COSTS, INCENTIVES, AND COMPENSATION ASSOCIATED WITH A REGIONAL FACILITY; PROVIDED, HOWEVER, THAT WITHOUT THE EXPRESS APPROVAL OF THE COMMISSION, NO DISTINCTION IN FEES OR SURCHARGES SHALL BE MADE BETWEEN PERSONS OF THE SEVERAL STATES PARTY TO THIS COMPACT.

3. TO THE EXTENT NOT PROHIBITED BY FEDERAL LAW, A HOST STATE MAY ESTABLISH REQUIREMENTS AND REGULATIONS PERTAINING TO THE MANAGEMENT OF WASTE AT A REGIONAL FACILITY; PROVIDED, HOWEVER, THAT SUCH REQUIREMENTS SHALL NOT IMPOSE UNREASONABLE IMPEDIMENTS TO THE MANAGEMENT OF LOW-LEVEL WASTE WITHIN THE REGION. NOR MAY A HOST STATE OR A SUBDIVISION IMPOSE SUCH RESTRICTIVE REQUIREMENTS ON THE SITING OR OPERATION OF A REGIONAL FACILITY THAT, ALONE OR AS A WHOLE, THEY SERVE AS UNREASONABLE BARRIERS OR PROHIBITIONS TO THE SITING OR OPERATION OF SUCH A FACILITY.

4. EACH HOST STATE SHALL SUBMIT TO THE COMMISSION ANNUALLY A REPORT CONCERNING EACH OPERATING REGIONAL FACILITY WITHIN ITS BORDERS. THE REPORT SHALL CONTAIN PROJECTIONS OF THE ANTICIPATED FUTURE CAPACITY AND AVAILABILITY OF THE REGIONAL FACILITY, A FINANCIAL AUDIT OF ITS OPERATION, AND OTHER INFORMATION AS MAY BE REQUIRED BY THE COMMISSION; AND IN THE CASE OF REGIONAL FACILITIES IN INSTITUTIONAL CONTROL OR OTHERWISE NO LONGER OPERATING, THE HOST STATES SHALL FURNISH SUCH INFORMATION AS MAY BE REQUIRED ON THE FACILITIES STILL SUBJECT TO THEIR JURISDICTION.