

RESOLUTION 2010-__

WHEREAS, the Compact was formed pursuant to the federal Appalachian States Low-Level Radioactive Waste Compact Consent Act, P.L. 100-319 ("Federal Compact Act"), as enacted in Delaware as, 65 Del. Laws, c. 244, 7 Del. Code Ann. tit. §§ 8001, et seq.; in Maryland as, 1986 Md. Laws, Ch. 33, § 2, Md. Code Ann., Envir. §§ 7-301 et seq.; in Pennsylvania as, Act of Dec. 22, 1985, P.L. 539, No. 120; 35 P.S. §§ 7125.1 et seq.; and in West Virginia as, 1985 W. Va. Acts c. 90, W. Va. Code Ann. §§ 29-1H-1 et seq. (collectively, the "State Compact Acts");

WHEREAS, the Appalachian States Low-Level Radioactive Waste Commission ("Commission") is the governing body of the Compact, pursuant to the Federal and State Compact Acts;

WHEREAS, the Compact was formed, the Commission established, and the Federal and State Compact Acts enacted pursuant to the federal Low-Level Radioactive Waste Policy Amendments Act of 1985, 42 U.S.C. § 2021b et seq. ("Federal LLW Act");

WHEREAS, the Commission has determined that, in the interests of conserving resources, the Bylaws of the Appalachian States Low-Level Radioactive Waste Commission (Adopted June 12, 1991; Revised June 24, 1993; Revised June 7, 1994; Revised December 2, 1998) ("Commission Bylaws") should be amended to allow Commission members and their Alternates to participate in meetings of the Commission via teleconference or other telecommunication means so long as there are at least four (4) voting Members or their Alternates physically present for the purpose of facilitating appropriate public participation.

NOW, THEREFORE, BE IT RESOLVED that the following sections of the Commission Bylaws are hereby amended as follows:

ARTICLE III

Voting

Section One: Quorum

A quorum shall consist of a majority of the voting Members of the Commission or their duly appointed ~~alternates~~ Alternates. No official action shall be taken by the Commission at any meeting unless a quorum is present and at least four (4) voting Members or their Alternates are physically present at the publicly-announced meeting place. A Member or Alternate shall be considered present for purposes of a quorum if the Member or Alternate is (i) physically present, or (ii) participates via teleconference or other telecommunication means, as long as the Member or Alternate participating by such means can hear and be heard by all other participants and is recognized by the presiding officer in accordance with Section Six of this Article.

Section Six: Participation by Telephone Conference

So long as there are at least four (4) voting Members or their Alternates physically present at the publicly-announced meeting place, a quorum of Members is physically present at a meeting of the Commission, a Members and Alternates may participate in the annual meeting or any regular or special meeting by telephone conference or other telecommunication means, and may speak to and vote upon any matters which may come before the Commission at such meeting. If a Member or Alternate participates by telephone conference or other telecommunication means, the Member or Alternate so participating must be able to hear and be heard by all other participants. The presiding officer shall confirm at the call to order at the beginning of the meeting that all participants can hear all other participants. A Member or Alternate participating by telephone conference or other telecommunication means shall identify himself or herself by full name, State and position (as Member or Alternate) (i) at the call of the roll, and (ii) before speaking to any matter. After a Member or Alternate has so identified himself or herself under (i) or (ii), above, the presiding officer shall recognize the Member or Alternate.

ADOPTED this 5th day of November, 2010, at a meeting of the Appalachian States Low-Level Radioactive Waste Commission duly called and convened at the Harrisburg Hilton Hotel, Second and Market Streets, Harrisburg, Pennsylvania, at which meeting a quorum was present and continuing.