

Draft MINUTES
(Verified with meeting transcript)

**CENTRAL INTERSTATE LLRW COMMISSION
ANNUAL MEETING
JUNE 23, 2009, TUESDAY, 9:00 A.M.**

In compliance with Commission By-Laws and Rules, a meeting notice announcing the date, time, location and agenda availability was mailed to the interested public May 27, 2009.

The Annual Meeting of the Central Interstate LLRW Commission was held Tuesday, June 23, 2009, in Little Rock, Arkansas, to take necessary action on reports, meeting minutes, export applications, Rule and By-Law changes, LLW Forum meeting sponsorship, export fee schedule (Rule 1), financial consultant contract, administrative budget, election of Chairman for fiscal year 2009-2010, and all other business to come before the Commission.

The meeting was called to order at approximately 9:00 a.m. and roll was called. Responding to the roll call was: Oklahoma Commissioner and Chair, Catherine Sharp; Kansas Commissioner, Shari Albrecht; Louisiana Commissioner, Jeffrey Meyers; and Arkansas Commissioner, Laura Gilson.

The Chair was present by teleconference. The Arkansas Commissioner facilitated the meeting.

The Arkansas Alternate Commissioner, Bernie Bevill; Administrator, Rita Houskie; Outside Legal Counsel, Shawn Renner; the court reporter and interested members of the public also were present.

No members of the public spoke during the public comment period.

The Commission received an oral report from the Commission Administrator. Ms. Houskie reported on her administrative duties and the archiving of the Commission records. She also reported on an issue raised by the Kansas Commissioner at the February 2009 teleconference regarding statements made in the KPMG audit of fiscal year 2007-2008 that related to custodial credit risk. Ms. Houskie indicated that the Manager was in agreement that the statement did not give a clear representation of how the Commission's funds are invested, nor to their safety. She also addressed Mr. Bevill's concern from the February meeting on KPMG's Independent Auditor's Report in which a management discussion and analysis is mentioned. Ms. Houskie reported that the issue had been raised previously and had been responded to at the January 2005 meeting. Also at the February meeting there was discussion about an investment policy. The Administrator said that she had contact Mr. Kuzelka and he said that no formal investment policy existed.

The Administrator responded to questions from the Commissioners. The Kansas Commissioner re-stated her concern about an investment policy and as something the Commission should look into.

The Commission received an oral report from Outside Legal Counsel. Mr. Renner gave a brief background on the origination of the current Rules and Bylaws and reported that he assisted and reviewed the suggested changes that would be reviewed later in the agenda. He updated the Commission on the Southeast Compact's litigation and their request for Amicus support. Mr. Renner also updated the Commission on the developing situation between EnergySolutions and the Northwest Compact in their litigation and forewarned the Commission of the possibility of a second Amicus request.

The Arkansas Commissioner introduced the next agenda item pertaining to the participation in the Southeast Compact Amicus Brief filing.

Mr. Renner reviewed for the Commission the motion adopted at the November 2007 to participate in the Amicus Brief filing on behalf of the Southeast Compact pending review. He also outlined the logistics for the reviewing of the Brief and how objections and/or questions were to be resolved as stated in the 2007 motion. Mr. Renner responded to questions from the Commissioners. No further action was required on this item

Motion by Louisiana, second by Kansas **to approve the annual meeting and special telephone meetings held in 2008 - June 17th, July 15th, October 1st, and February 4, 2009.**

Motion **passed** 4-0

Motion by Louisiana, second by Kansas, **to approve the financial consulting agreement as amended for fiscal year 2009-2010.**

Motion **passed** 4-0

Motion by Kansas, second by Louisiana **to approve the three non-federal export applications.**

Motion **passed** 4-0

The Arkansas Commissioner introduced the Rule changes and indicated that the changes were meant to eliminate obsolete provisions, to reflect the way the Commission is currently operating with the flexibility to use an Executive Director or an Administrator, and to utilize electronic methods to conduct business.

Motion by Louisiana, second by Arkansas, **to approve the proposed changes to the Commission Rules as written.**

The Arkansas Commissioner opened the floor for discussion and recognized the Kansas Commissioner who offered the following friendly amendment:

(amended) **with the caveat that all references to Commission, Commission's office, or Commission's staff, are to be reviewed and checked for consistency, and where it is an action by a third party, it references the Commission, where it is an action by a member of the staff, it references Commission staff.**

The maker of the motion accepted the friendly amendment and was seconded by Arkansas.

Motion **passed** 4-0

The Commission recessed at 10:25 for a 20 minute break.

The Arkansas Commissioner called the meeting back to order and asked Mr. Renner to brief the Commission on the need to repeal Rules 8 and 9. Mr. Renner explained that the Commission, in their earlier years, used a variety of mechanisms to raise money to do various things. Rule 8 was the mechanism to assess fees to fund costs associated with the development of a contract between the Commission and US Ecology, the project developer. Rule 9 was the mechanism to pay for the Community Improvement Fund that was required by the host state of Nebraska.

Motion by Kansas, second by Louisiana **to approval repealing Rules 8 and 9 of the Commission's Rules.**

Motion **passed** 4-0

The Arkansas Commissioner asked for a motion to approve the proposed By-Law changes.

Motion by Louisiana, second by Arkansas **to approve the proposed changes to the Commission's By-Laws.**

Mr. Renner gave an explanation of the suggested By-Law changes. The Commissioners engaged in discussion regarding the intent of some of the changes. No amendments were offered by the Commissioners.

Motion **passed** 4-0

The Arkansas Commissioner introduced the item relating to the future hosting or sponsorship of a LLW Forum meeting by stating that the Forum provides the opportunity to learn and share experiences from the other compacts, states, generators and federal agencies on the issue of low-level radioactive waste, and that the Forum members contribute services and the hosting of meetings. This Commission has voted yearly to continue membership and at some point we must contribute at the meeting level.

Motion by Oklahoma, second by Louisiana to authorize the Administrator to continue in discussions with the Forum as to how our Compact could be involved and which path is best for us and come back with costs and ideas at the next meeting.

Motion **passed** 4-0

No action was taken on the agenda item relating to Administrative Budget adjustments for fiscal year 2008-2009

Motion by Oklahoma, second by Arkansas to adopt the Administrative Budget for fiscal year 2009-2010 pending the results of the Administrator Review during Executive Session that will determine the selection of Option 1 or Option 2 (amended) and that the export fee schedule remain the same as in fiscal year 2008-2009.

Both makers of the above motion accepted the amendment.

Motion **passed** 4-0

The Arkansas Commissioner nominated the Oklahoma Commissioner to serve as chair for the coming fiscal year.

Motion by Louisiana, second by Kansas to elect the Commissioner from Oklahoma to serve as Chair for fiscal year 2009-2010

Motion **passed** 4-0

The Commissioners discussed dates for the next meeting. A meeting date for the next annual meeting was tentatively set for June 22, 2010 in Oklahoma City. A telephone meeting date was tentatively set for July 21, 2009 to review export applications for the new fiscal year.

Motion by Arkansas, second by Louisiana to enter into executive session for the purpose of discussing performance-personnel matters for about 20 minutes.

Motion **passed** 4-0

The meeting was called back to order at approximately 12:09 and it was announced that no business had been conducted during the executive session.

Motion by Oklahoma, second by Kansas to adopt Option 2 of the previously approved budget for fiscal year 2009-2010.

Motion **passed** 4-0

The meeting was adjourned at 12:10 p.m. by unanimous acclamation.