

**MINUTES**  
**amended**  
*(Verified with meeting transcript)*

**CENTRAL INTERSTATE LLRW COMMISSION**  
**ANNUAL MEETING**  
**JUNE 12, 2013, WEDNESDAY, 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 13, 2013.

The Annual Meeting of the Central Interstate LLRW Commission was held Wednesday, June 12, 2013, in Little Rock, Arkansas, to take necessary action on reports, meeting minutes, export applications, export fee schedule (Rule 1), Bylaw change (Article IV (F)), KPMG audit, financial consultant contract, future administrative funding, discussion regarding the future of the Commission, administrative budget, election of Chairman for fiscal year 2013-2014, 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, Jon Roberts; Kansas Commissioner, Shari Albrecht; Louisiana Commissioner, Scott Blackwell; and Arkansas Commissioner, George Overbey.

The Administrator, Rita Houskie; Kansas Alternate Commissioner, John Mitchell; the court reporter and interested members of the public were also present.

Arkansas Alternate Commissioner, Jim Bacquet, and Outside Legal Counsel, Shawn Renner, were present by teleconference.

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

The Commission received oral reports from the Commission Administrator and Outside Legal Counsel. The Administrator and Counsel responded to questions.

The Kansas Commissioner gave a brief report on the activities of the Administrative Committee. She indicated that a couple of new items and updates had been added to the Options that were presented at the Annual Meeting in 2012.

Mr. Carver, the representative from Entergy, briefed the Commission on activities in the Texas Compact. He indicated that the Texas facility opened April 27, 2012 and was still experiencing some importation issues. The Texas Legislature meets every two years and was in session from January through June of this year. A rider was added to the existing bill to increase curies allowed per year. His impression was that the current space allowed for imported waste might be exhausted after a five year period under the current limits in the existing bill.

The Member States were given an opportunity to report on activities relating to low-level radioactive waste within their respective state.

The Chair introduced the next agenda item relating to the ratification of actions taken on export applications that had been previously approved using the electronic voting method.

**Motion** by Kansas, second by Arkansas, **to ratify the previously approved export applications for fiscal year 2012-2013.**

Motion **passed** 4-0

**Motion** by Oklahoma, second by Kansas **to approve the minutes for the annual meeting held on June 12, 2012.**

Motion **passed** 4-0

**Motion** by Louisiana, second by Kansas **to accept into the record as written the KPMG Audit of the Commission for fiscal year 2011-2012.**

Motion **passed** 4-0

**Motion** by Arkansas, second by Kansas, **to approve the financial consulting agreement for fiscal year 2013-2014.**

Motion **passed** 4-0

The Chair indicated that the next item for action on the Agenda would be taken out of order. He introduced the proposed changes to Bylaw: Article IV (F). He stated that the current language could be construed to preclude a chair from serving multiple terms and that additional language had been added to clarify and to provide for a line of succession should the serving Chair retire or be suddenly removed.

**Motion** by Arkansas, second by Kansas, **to approve the proposed changes to Bylaw: Article IV (F) as written.**

The Commissioners had a short discussion on the use of the words "Alternate versus Designee" and how their commission appointments are made within their respective states.

Motion **passed** 4-0

The next Agenda item was to discuss the future and administrative funding of the Commission. The Chair started the discussion with some background information, stating that a couple of years ago Chairman Meyers had identified that the Commission was operating on limited funds. Subsequently, the Administrative Committee was appointed and they came up with nine options to increase funds and cut expenses. Only one of the nine proposed options advanced. The Commission voted to search for a new auditing firm. The Chair reported that he had sent out an email prior to the meeting with additional options for the purpose of discussing, at this meeting, the future and funding of the Commission.

#### Option 12

The Commissioners agreed to begin their discussion with the last item of the proposed options that related to dissolving the Compact and look into the possibility of joining the Texas Compact or to scale back operations to a "Mothball" status – to continue to be a legal entity, but essentially conduct no business. The Chair went on to suggest that a survey of the generators might be in order to find out if their disposal needs are being met at this time. Mr. Renner and Mr. Carver both expressed their opinion indicated that dissolving the Compact would might take Congressional and State action. As to achieving a "Mothball" status, Mr. Renner went on to say that the Compact has specific language that requires the Commission to take action on certain things and believed that that, too, would might take State action and possibly Congressional approval. Mr. Renner also gave the history of the Commission's exploration into contractual agreements with other compacts and with Energy *Solutions* (Envirocare) to secure long-term disposal for the regions generators. There was more discussion on the language and intent of the Compact regarding 'termination of the Compact' and 'management of waste'. The Chair brought this segment of the discussion to a close by stating that before a decision could be made on this a lot of thought and research is required.

The Chair called for a 30 minute break. The meeting was called back to order at approximately 11:10 a.m.

#### Option 11

The next discussion item related to the continuation of the Commission's membership to the Low-Level Waste Forum group. The Chair indicated that the annual dues for membership would increase to \$9,500 in January 2014. Discussion ensued regarding the benefits of membership and the Commission's donation of the Administrator's time in the layout of the LLW Notes. Oklahoma and Kansas Commissioners felt it was of benefit to continue the membership due to the information sharing provided by the Forum and especially since the Commission is considering downsizing it would have value to know what is happening in other compacts and nationally. The Arkansas Commissioner asked to defer any decision until he had the opportunity to speak with his state agency.

#### Option 10

The Chair introduced the 10<sup>th</sup> Option that related to the elimination of export fees or the amending of Commission's Rule 1. He reiterated the Arkansas Alternate's concern, from the 2012 meeting, over the Commission's adoption of the no-siting resolution in 2005 and that the export fees may now be a contradiction of the Rules and Compact. That the fees were to go to the siting of a disposal facility and not to be used for the general operations of the Commission. There was some discussion comparing Rule 1 and Rule 10, both of which pertain to fees. The Commissioners agreed to continue to use the export application fee (Rule 1) for the Commission's administrative costs of processing the applications.

#### Option 9

Option 9 related to the continuation of the Administrative Committee. Currently, the Kansas Commissioner and the Administrator are its members. The Chair believed there would still be work for the Committee to do while the path forward is being determined and recommended its continuance. The Arkansas Alternate volunteered to be an additional member of the Committee and Kansas agreed that the addition would be welcome. The Chair appointed the Arkansas Alternate to the Committee. There was some discussion regarding being cognizant of the public meeting laws.

#### Option 8

The retiring of the Administrator and moving the Commission's office to one of the member states was Option 8. The Chair stated that there was still a lot of work to do in this regard and a decision has yet to be made as to where the Commission should be headquartered. He suggested that the Commissioners get with their respective state agencies and see if the concept of having the Commission housed within one of the state agencies rather than go to the expense of setting up a stand-alone office is a workable solution. The discussion that followed included questions on how the Midwest Compact utilities their state agencies for administrative support and how much time would be required for administrative purposes. The Chair asked that the Commissioners report back to him with their information.

#### Option 7

Option 7 related to the reduction of hours and salary for the Administrator. The Chair indicated he would not be in favor of doing this at this time due to the amount of work the Commission is looking at during the transition. The Kansas Commissioner wondered if cutting back on the Administrator's hours would realistically extend the Commission's life. The Louisiana Commissioner stated that this was a moot point until some of the other decisions were made. The Kansas Commissioner agreed.

#### Option 6

The Chair stated that Option 6 has taken care of itself, in that last year the Administrator's salary had been frozen and the decision to not buy back her unused vacation time was enacted. He also shared that the Administrator had voluntarily increased her deductible to help keep the health insurance cost as low as possible. The Administrator added that she is monitoring the insurance situation as the Affordable Care Act's 2014 deadline approaches.

#### Option 5

Search for a new auditing firm for Fiscal Year 2013-2014. The Chair said that a draft RFP had been sent out to the Commissioners and asked if there were any comments or concerns. The Commissioners had no comments or concerns with the RFP as written. The Chair also asked if the Commissioners had had an opportunity to consult with their respective state agencies regarding a vendors list which would provide possible auditing firm candidates. Oklahoma and Kansas provided vendor lists and Arkansas and Louisiana had no objections to sending out the RFP to those vendors exclusively.

#### Options 3 & 4

After a brief discussion, the Commissioners agreed that no changes would be made to the export categories or to the export fee rate schedule at this time.

#### Option 2

All of the Commissioners stated that their respective states would not endorse an increase to the Commission's Member Dues.

## Option 1

The Chair introduced the final option regarding the use of the settlement funds interest to fund the Commission's activities. He stated that this option was tabled at the Annual Meeting in 2012 and felt the Commission was at a point where it could no longer be deferred. Outside Legal Counsel gave the Commissioners the history of the settlement funds and the litigation brought by the Major Generators over it. Counsel pointed out that even though the Courts ruled in the Commission's favor it is still unknown from what position the Major Generators' viewed this issue. The Commissioners' discussion included the idea of surveying the generators to find out if their needs are being met and, the benefits or disadvantages of keeping the Compact alive. It was suggested that some type of communication with the Major Generators concerning the interest be made before the Commission made its decision might be a better option. Counsel for Wolf Creek suggested it would be helpful to understand what the scope of operations going forward might be for the Commission.

Outside Legal Counsel for the Commission inserted, before leaving the meeting, that he had located the judicial opinion on the above mentioned litigation and that upon review suggested that the position of the Commission might be stronger than he initially reported.

The Commissioners went on to discuss the implications of not using the settlement funds interest, the dates the Commissioners should respond back to the Chair with information on their respective states' perspective on the absorption of the administrative functions of the Commission, and possible timeframe for a special meeting to discuss and to instruct Counsel.

The Chair called for a break. The meeting was called back to order at 1:15 p.m.

The Chair introduced the next Agenda item that was the adjustments to fiscal year 2012-2013 budget and the proposed budget for fiscal year 2013-2014.

**Motion** by Arkansas, second by Kansas **to adopt the adjusted Budget for fiscal year 2012-2013 and the proposed Administrative Budget for fiscal year 2013-2014.**

Motion **passed** 4-0

**Motion** by Kansas, second by Louisiana **to approve Export Fee Schedule (Rule 1) for fiscal year 2013-2014.**

Motion **passed** 4-0

**Motion** by Arkansas, second by Louisiana **to elect the Commissioner from Oklahoma to serve as Chair for fiscal year 2013-2014.**

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 10, 2014 in Oklahoma.

**Motion** by Kansas, second by Louisiana **to enter into executive session for the purpose of discussing personnel matters.**

Motion **passed** by acclamation

The Commissioners entered into executive session.

The meeting was called back to order at approximately 1:49 p.m. and it was announced that no business had been conducted during the executive session other than personnel matters.

**Motion** by Kansas, second by Arkansas **to adjourn the meeting.**

Motion **passed** by acclamation

The meeting was adjourned at 1:50 p.m.