

**MINUTES**  
*(approved June 25, 2003)*

**CENTRAL INTERSTATE LLRW COMMISSION  
SPECIAL MEETING**

**THURSDAY, APRIL 10, 2003, 9:00 A.M.**

In compliance with Commission Bylaws and Rules, a meeting notice announcing the date, time, location and agenda availability was mailed to the interested parties on March 27, 2003.

A Special Meeting of the Central Interstate LLRW Commission was held Thursday, April 10, 2003, for the purpose of taking necessary action on Export Applications, Rule 23 (evidentiary submissions), and all other business to come before the Commission.

The Chair called the meeting to order at approximately 9:15 a.m. and roll was called. Responding to the roll call were: Arkansas Commissioner, Laura Gilson; Kansas Commissioner, James J. O'Connell; Louisiana Commissioner, Michael Henry; Nebraska Commissioner, Greg Hayden; and, Oklahoma Commissioner and Commission Chair, Catherine Sharp.

Also present were Administrator, Rita Houskie; Secretary, Terry Davis; and the court reporter.

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

The Chair stated there was only one Export Application to be considered for approval.

**Motion (Resolution 9) by Kansas, second by Arkansas, to approve the non-federal export application for University of Oklahoma, 2002-2003 (OK) pending receipt of appropriate fees**

Motion **passed** 5-0.

The Chair stated the next item on the agenda was the Rule 23 Proceeding. The Chair asked Commission's Outside Legal Counsel to lay the groundwork and explain how the proceeding would work.

Commission's Counsel presented an outline of the history and procedure for the Rule 23 Proceeding. Counsel also indicated that should the Commission decide to revoke Nebraska's compact membership, a notice of one year must be given to the State. Counsel suggested that the Commission close the record of the proceeding at a future date specific and to limit consideration to the body of evidence presented in written documentation and oral presentations. Counsel recommended that the Commissioners review the evidentiary submissions before the annual meeting, to be held in June, and to discuss in open session at that meeting their findings.

Discussion followed regarding a possible motion to close the record and to set a deadline for receipt of evidence and public comments for consideration in the proceeding. The Nebraska Commissioner indicated a preference to wait for Nebraska's presentation before a motion to close the record be made.

The Chair opened the floor to the Nebraska Assistant Attorney General who then gave a brief description of the content of the evidentiary submissions from the state. He gave a history of the site licensing process and reasons for its denial. He indicated that the State of Nebraska felt the Rule 23 Proceeding is not timely because of ongoing litigation and because the licensing process is not complete. He stated that Nebraska feels it has met its obligations in the license review process and the Compact, and explained why Nebraska felt sanctions with the possible revocation of membership in the Compact would be an inappropriate action to take at this time. Referring to Judge Kopf's memorandum and order of March 8<sup>th</sup>, 1999, and the contested case hearing that is still pending, he suggested a special master be delegated to assist the Commission with the review of the evidence and its decision making process.

(Break from 10:25 a.m. to 10:50 a.m.)

Discussion of the presentations and clarifying questions followed.

The Chair asked, pending a motion to close the record, that the Commissioners come to the June Annual Meeting prepared to discuss the matter and be able to bring the issue to a close.

**Motion** by Kansas, second by Louisiana, **that the record consist of those items detailed by legal counsel during his presentation and to include Nebraska Assistant Attorney General's written response to the outline presented by legal counsel that will be submitted to the Commission on or before April 18, 2003.**

**The Rule 23 Proceeding Record**

- **Governor Johanns letter stating Nebraska's Notice of Withdrawal.**
- **Judge Kopf's March 8 1999 Memorandum and Order.**
- **Judge Kopf's September 30, 2002 Memorandum and Order.**
- **Transcript of the September 22, 1999, January 22, 2003, and April 10, 2003 meetings.**
- **Resolutions on Rule 23 that have been passed by the Commission.**
- **All items that the Commission specified in Resolution of January 2003.**
- **Comments of Counsel at each meeting with regard to the matter of continuing or postponing the Rule 23 Proceeding.**
- **Depositions from "Bad Faith" Trial.**
- **State of Nebraska's CD taped and written Submissions Of Evidence.**
- **State of Nebraska's brief or argument that was submitted at April 10, 2003 meeting.**
- **State of Nebraska's letter in response to Counsel's comments at the April 10, 2003 meeting.**

Motion **passed** 5-0.

**Motion** by Arkansas, second by Kansas, **that because the record was closed April 18, 2003 public comment will be excluded with respect to the Rule 23 and statutory action that we are considering and will consider in June with respect to the sanction or possible actions toward the State of Nebraska.**

Motion **passed** 5-0.

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

Motion **passed** 5-0.

The meeting was adjourned at approximately 11:25 a.m.