

MINUTES
(Verified with meeting transcript)

**CENTRAL INTERSTATE LLRW COMMISSION
ANNUAL MEETING
JUNE 25, 2003, WEDNESDAY, 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 public May 26, 2003.

The Annual Meeting of the Central Interstate LLRW Commission was held Wednesday, June 25, 2003, to take action on: meeting minutes, reports, export applications and fee schedule, Administrative Budget, US Ecology Funding Request, election, and to take necessary action on all business to come before the Commission.

The Chair called the meeting to order and roll was called. Responding to the roll call was: Oklahoma Commissioner and Commission Chair, Catherine Sharp; Arkansas Commissioner, Laura Gilson (a.m. session); Arkansas Alternate Commissioner, Bernie Bevill (p.m. session); Kansas Commissioner, James J. O'Connell; Louisiana Commissioner, Michael Henry; and Nebraska Commissioner, Dr. F. Gregory Hayden.

Also present were Administrator, Rita Houskie; Temporary Secretary, Audrey Richert, and the court reporter.

The Chair began with the Rule 23 agenda item, indicating that this was noted as a commissioners-only matter. The Commissioners had previously received evidentiary submissions that they had reviewed in preparation for deliberation, in open session, of their findings. After a lengthy discussion, the Commissioner from Kansas offered a preamble to a motion as follows:

Motion by Kansas, second by Arkansas

"It is hereby moved that the Commission, having received written and oral argument, explanation and evidence from the State of Nebraska, witness testimony, sworn deposition testimony, and exhibits, together with the memorandum and Order of the U.S. District Court for the District of Nebraska, all in Case No. (this recites the case number), trial and appellate briefs related to said case and other pertinent documents, at and subsequent to its meeting of April 10th, 2003, each commissioner having thereafter adequate opportunity to review and consider said materials, and on this 25th day of June, 2003, having met, discussed and deliberated, adopts as its findings and decision the following:" Adopt the language from Option 3, Items A through L of the document entitled, "June 25th, 2003, Memorandum of Rule 23 Decision".

Motion **passed** 4-1 (Nebraska voting no)

The Chair introduced the second part of the Rule 23 agenda item that dealt with possible sanctions. The Commissioner from Arkansas opened the discussion with a motion to adopt sanctions 2,3,6 and 7. The Commissioners discussed the possible sanctions that resulted in the following motion.

Motion by Arkansas, second by Kansas, **to approve Sanctions 2, 3, 4, 5, and 6 with modification to the language in Sanction 6 to read:** "Nebraska shall take no action to interfere with or otherwise deny the continued availability of the proposed site near Butte, Nebraska, for possible licensing and disposal of low-level radioactive waste, until such time that a new, alternative, regional facility is developed and operational within the Central Interstate Compact region, and it shall in no way interfere with the Commission's efforts in those matters."

Motion **passed** 4-1 (Nebraska voting no)

One major generator spoke during the public comment period for the NRC Petition - Partial Agreement State Status Revocation agenda item. The major generator representative summarized a written statement submitted to the Commission that essentially stated their support of the Commission's action provided that the petition not be filed before the litigation is complete and would not imply any commitment of funds.

Three members of the public spoke during the general public comment period.

The Commission received oral reports from the Commission Administrator, Legal Counsel, and US Ecology.

No reports were heard from the Village of Butte, the Host State, the Boyd County Local Monitoring Committee or the Litigation Committee.

Motion (Resolution 1- part 1) by Kansas, second by Louisiana, **to approve the January 22, 2003 Mid-Year Meeting and March 14, 2003 Special Meeting minutes.**

Motion **passed** 4-0-1 (Nebraska abstaining)

Motion (Resolution 1- part 2) by Kansas, second by Louisiana, **to approve the April 10, 2003 Special Meeting minutes.**

Motion **passed** 5-0

Motion (Resolution 2) by Kansas, second by Arkansas, **to approve US Ecology Funding Request for Fiscal Year 2003-2004.**

Motion **passed** 5-0

Motion (Resolution 3) by Arkansas, second by Kansas, **to approve export applications from Beta Chem (KS) and RADS S.L. Inc. (LA).**

Motion **passed** 5-0

Motion by Kansas, second by Arkansas, **to extend for one month beyond end of the Commission's fiscal year, all export application approvals issued in the current fiscal year and to authorize the administrator, upon request, to notify those generators who need to ship after June 30, that they are authorized to do so.**

Motion **passed** 5-0

Motion (Resolution 4) by Oklahoma, second by Louisiana, **to approve Commission Administrative Budget Adjustments for fiscal year 2002-2003.**

Motion **passed** 5-0

Motion (Resolution 6) by Kansas, second by Arkansas, **to approve Commission Administrative Budget fiscal year 2003-2004.**

Motion **passed** 4-1

Motion (Resolution 5) by Arkansas, second by Louisiana, **to approve Export Fee Schedule fiscal year 2003-2004.**

Motion **passed** 5-0

The Chair asked for nominations for commission chairman for the coming year.

Motion (Resolution 7) by Kansas, second by Louisiana, **to approve the election of the Oklahoma Commissioner, Catherine Sharp, as Chairperson of the Commission for FY 2003-2004.**

Motion **passed** 4-0-1 (Oklahoma abstaining)

The Commissioners set the date for the Mid-Year Meeting of the Commission as Wednesday, January 21, 2004 in New Orleans, Louisiana.

The Chair recessed the meeting at approximately 3:38 p.m. to go into executive session for the administrative review. The Chair called the meeting back to order at 3:58 p.m. and it was stated that no action in executive session other than to complete a personnel evaluation of the administrator and to make an appropriate adjustment in her compensation.

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

Motion **passed** 5-0

The meeting was adjourned at approximately 3:59 p.m.