

## **Resolutions of the Central Interstate LLRW Commission July 14-15, 2005**

*(These Resolutions have NOT yet been verified with the official transcript. NOT all Resolutions are posted – some were administrative in nature and will be included in the Commission's minutes)*

### **Resolution I**

### ***(Siting)***

The Commission, having received and considered information regarding the availability and adequacy of options for the processing, storage and disposal of LLRW, has determined that no need currently exists for the siting, construction and operation of a disposal facility in the Compact region.

Therefore, it is hereby Resolved that no currently available or anticipated funds shall be utilized in pursuit of a disposal facility within the region, but that the Commission will defer active efforts to site a disposal facility until such time as it determines that the needs of the LLRW generators in the region and the public interest justify pursuit of such a facility.

*The above Resolution was amended with a word change and will be updated with the official transcript*

### **Resolution II**

### ***(monitoring, generator needs, business plan)***

It is hereby Resolved that the Commission shall take all appropriate and necessary steps to ensure that its activities are organized, staffed and financed at a level which will provide optimal efficient use of resources while providing for (a) ongoing monitoring of developments in the national and regional LLRW generation and disposal fields; (b) an annual review of the activities of the Compact to assure that the needs of generators and the public are met; and (c) the establishment and annual review of a business plan for the activities and services of the Compact.

### **Resolution IV**

### ***(Texas talks suspended)***

The Commission, having now determined that options for the processing, storage and disposal of LLRW are currently adequate to the needs of the region and having pursued arrangements for access to the proposed disposal facility in the State of Texas during the preceding 12 month period, it is hereby Resolved that the 10% escrow of funds from the settlement of the claims against Nebraska is deemed to be no longer required or appropriate, that it shall not be established or maintained and that active pursuit of arrangements regarding the Texas facility shall be indefinitely suspended, to be resumed only upon authorization by the Commission.

### **Resolution V**

### ***(review of small generator needs)***

The Commission's Consultant is hereby directed to carry out a review of the disposal needs and practices of small generators of LLRW in the member states and to report the results of said review to the Commission not later than its January 2006 meeting.

### **Resolution (unnumbered)**

### ***(Community Improvement Funds Claim)***

The Commission anticipates receiving a substantial payment from the State of Nebraska on or about August 1, 2005, pursuant to the Settlement Agreement between Nebraska and the Commission. Assuming timely receipt of such payment the Commission Resolves to pay to the States of Arkansas, Kansas, Louisiana and Oklahoma the total sum of \$4,223,058.70 to be divided equally among them in resolution of the claim held by those States relating to their

payments of Community Improvement funds. The Commission has been instructed by Louisiana that its share of the total sum should be paid to Entergy Louisiana, Inc. The Commission has been instructed by Kansas that its share of the total sum should be paid as follows; 60% to Wolf Creek Nuclear Operating Company; 30% to the State of Kansas; and 10% to Coleman Corp., now known as Jarden Corp. The specific distributions per this resolution will be:

Arkansas	\$1,055,764.66
Oklahoma	\$1,055,764.66
Entergy Louisiana, Inc.	\$1,055,764.66
Wolf Creek Nuclear Operating Co.	\$ 633,458.79
Kansas	\$ 316,729.40
Jarden Corp	\$ 105,567.47

**Resolution (unnumbered)**

**(Major Generator Claims)**

The Commission anticipates receiving a substantial payment from the State of Nebraska on or about August 1, 2005, pursuant to the Settlement Agreement between Nebraska and the Commission. The Commission acknowledges receipt of a joint claim submitted by the Major Generators. The Commission has previously resolved to investigate, study and consider its future role and obligations, and has tasked its consultant to initiate such investigation and report to it concerning the same. The Commission Resolves to withhold, for the time being, the sum of \$15,000,000.00 from the amount the Major Generators claim to be owed by the Commission, until such investigation and report is completed, and it can be determined whether or not it has any need for the retention of the substantial funds. The Commission Resolves that it is presently making no final decision regarding disposition of the \$15,000,000.00 it is retaining pursuant to this resolution. Assuming timely receipt of the anticipated payment by Nebraska, the Commission Resolves to pay to the Major Generators at this time the total sum of \$114,745,716.10 on their claim, and reserves final decision on payment of the \$15,000,000.00 retained by it. The total sum to be paid pursuant to this resolution shall be divided among the Major Generator claimants as follows:

Entergy Arkansas (20.57%)	\$23,603,193.80
Entergy Gulf States (17.30%)	\$19,851,008.88
Entergy Louisiana (16.07%)	\$18,439,636.58
Nebraska Public Power District (16.07%)	\$18,428,162.01
Omaha Public Power District (13.48%)	\$15,467,722.53
Wolf Creek Nuclear Operating Company (16.52%)	\$18,955,992.30

*The above Resolution may have been amended to include a time certain for the disposition of the \$15,000,000.00 retained by the Commission. Will be updated with the official transcript.*

**Resolution (unnumbered)**

**(US Ecology Claim)**

The Commission anticipates receiving a substantial payment from the State of Nebraska on or about August 1, 2005, pursuant to the Settlement Agreement between Nebraska and the Commission. Assuming timely receipt of such payment, the Commission Resolves to pay to US Ecology, Inc. the total sum of \$11,804,739.16 in resolution of the claim submitted by US Ecology, Inc. This resolution also incorporates the terms set out in the letter from Steve Romano to Laura Gilson dated July 8, 2005, except that the Commission reserves the right to direct US Ecology to dispose of or otherwise deal with the real property owned by US Ecology near Butte, Nebraska in a manner different from that set out in said letter.