

MINUTES

(Verified with meeting transcript)

CENTRAL INTERSTATE LLRW COMMISSION SPECIAL TELECONFERENCE MEETING NOVEMBER 21, 2013, THURSDAY, 10:00 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 October 21, 2013.

The Special Teleconference Meeting of the Central Interstate LLRW Commission was held Thursday, November 21, 2013, to take necessary action on meeting minutes, KPMG Audit FY 2012-2013, new auditor agreement, bylaw change to Article VII(E), generator survey questions, legal counsel report on contact with major generators regarding settlement funds interest, discussion on LLW Forum membership, discussion on relocation of Commission's office, and all other business to come before the Commission.

The meeting was called to order at approximately 10:03 a.m. and roll was called. Responding to the roll call was: Oklahoma Commissioner and Chair, Jon Roberts; Kansas Alternate Commissioner, John Mitchell; Louisiana Commissioner, Scott Blackwell; and Arkansas Commissioner, George Overbey.

The Administrator, Rita Houskie; Outside Legal Counsel, Shawn Renner; Wolf Creek Nuclear Corp., Debbie Hendell; and Low Level Waste Forum, Todd Lovinger were also present on the conference call.

The Chair made a brief statement on the purpose of the teleconference. He indicated that the Commission has a lot of decisions to make on its path forward which includes budgetary and procedural issues. One item that has been under consideration was the continued participation as a member of the LLW Forum group (**Future Funding Option 11**). He introduced the Executive Director of the LLW Forum, Mr. Todd Lovinger. Mr. Lovinger was asked to give an overview of the group for the benefit of the newer Commissioners. **The Commissioners were in agreement to continue membership to the LLW Forum group.**

The Chair asked to move forward on the agenda Outside Legal Counsel's report on his contact with the Major Generators regarding the Commission's proposed use of the settlement fund interest for future administrative costs (**Future Funding Option 1**). There were no objections. The Chair gave the floor over to Mr. Shawn Renner.

Mr. Renner indicated that he had made contact with Debbie Hendell, Counsel for Wolf Creek and Jean Cho (sic), a lawyer for Entergy, as instructed by the Commission at its October meeting. He asked them to provide input from their organizations on three questions. First, do the major generators claim any right to the interest earned on the settlement funds? Second, do the major generators continue to claim any right to the principle amount in the settlement fund? Third, do Wolf Creek and Entergy have any position regarding whether the two Nebraska utilities have any right or claim remaining to any part of the settlement fund? Mr. Renner indicated that he had no information to report. He had spoken with Ms. Hendell before the meeting and she indicated that she had not been successful in communications with Entergy's lawyer, therefore, she did not feel she could speak on the major generators' behalf.

The Chair asked for additional discussion on the use of the settlement funds interest. The Kansas Commissioner asked if there was a pressing reason for making a decision today. The Chair responded that the Commission has been aware of the dwindling funds issue for a few years and added if we can plainly see a problem down the road why don't we try to fix it today rather than wait until the problem is at hand even though these funds are not immediately needed.

Motion by Oklahoma, second by Kansas **to authorize use of the Settlement Fund Interest at a time when those funds are needed to meet administrative expenses.**

Motion **passed** 4-0

The Chair gave a brief recap of the ongoing discussion regarding the relocation of the Commission's offices. Kansas indicated that they are still amiable to the concept but requires more information. Oklahoma reported that once the new executive director was appointed he would once again ask the question of his agency. Louisiana indicated that it would not be possible in his agency. Arkansas said he had inquired but did not have an answer yet. The Chair suggested that contacting the Midwest Compact regarding their processes might be of benefit. After no objections, the Chair volunteered to contact the Midwest Compact.

At the October 3rd meeting, the acceptance of the draft minutes of the June 2013 Annual Meeting was deferred. The Chair had asked that the minutes be amended to include an additional statement on the continued membership to the LLW Forum group item and the Arkansas Alternate had asked for more detail in general to be included.

Motion by Kansas, second by Louisiana **to accept the amended minutes of the June 12, 2013 Annual Meeting.**

Motion **passed** 4-0

Motion by Oklahoma, second by Louisiana **to accept the minutes of the October 3, 2013 Special Teleconference Meeting.**

Motion **passed** 4-0

The Chair introduced the next agenda item pertaining to the acceptance of the 2012-2013 KPMG Audit. He asked a question of the Administrator relating to the increased travel expense from the previous year. The Administrator said she would look in to it and report back.

Motion by Arkansas, second by Kansas **to accept the 2012-2013 KPMG Audit.**

Motion **passed** 4-0

At the October 3rd meeting, the Commission chose to accept a proposal by the auditing firm of Cochran Head Vick & Company for fiscal year 2013-2014, and instructed the Administrator to work on the Agreement for their services. The Chair indicated that the Agreement, dated October 4, 2013, was fairly standard and work would begin in August 2014 with the final version of the audit expected by October 24, 2014.

Motion by Kansas, second by Arkansas **to accept the Cochran Head Vick & Company's audit Agreement, dated October 4, 2013, for auditing services for fiscal year 2013-2014.**

Motion **passed** 4-0

The next agenda item related to the proposed change to the Bylaws. The Chair stated that for a number of years the obligation, under Compact law, to provide the Annual Report to the Governors and Legislatures of the member states had not been met. That, by law, the annual audit must be included in the Annual Report and with its current deadline of September 1st it is impossible to be compliant. Therefore, the Chair proposed that the deadline for the Annual Report be changed to December 31st to give ample time for completion. The Kansas Commissioner asked if with the passage of this change would the Annual Report be complete for this fiscal year as well? The Chair indicated that it would.

Motion by Oklahoma, second by Louisiana **to amend the date of September 1st to December 31st in Commission Bylaws, Article VII(E).**

Motion **passed** 4-0

Also at the October 3rd meeting, the Chair had indicated that the survey of the generators was almost complete. That he would forward it out to the Commissioners for comment. Comments were received and incorporated into the final version. The purpose of the survey is to find out the status of low-level waste management in the member states before decisions on the Commission's path forward can be made. The Chair made a clarification to question one of the survey and asked for a motion to accept the survey with the change and approval to send it out to the regions generators.

Motion by Louisiana, second by Arkansas **to accept the final version of the generator survey with the change to question one and approval to send it to the regions generators.**

Motion **passed** 4-0

The meeting was in session approximately 1 ½ hours. The meeting was adjourned by acclamation.