

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION**

Meeting
February 26, 2009

The Compact Commission will consider items on its agenda from the time it convenes at 10 A.M. on February 26, 2009 until it adjourns on February 26 and then resume its deliberations on the items on this agenda on February 27 at 9 A.M.

Location:
Capitol Extension
Room: E2.012

WORKSHOP AGENDA

The Commission will convene as posted to consider, receive public comment, discuss and take formal action as necessary on the following agenda items:

- I. Call to order
- II. Roll Call
- III. Introduction of Guests
- IV. Selection of operating rules for this Commission meeting
- V. Compact Commission Workshop Topics
 - A. Statutory - The Commission may discuss and receive legal counsel on:
 - 1. Article III, Section 3.01 and Article VII, Section 7.07 of the Compact Act regarding party state representation.
 - 2. Article III, Section 3.03 of the Compact Act regarding the meaning of the phrase, “[t]he commission is a legal entity *separate and distinct* from the party states....” (emphasis added) and how that meaning impacts compliance with Section 3.04(2) (i.e., the commission shall comply with the laws of the host state).
 - (a) How does this apply to rulemaking, funding, hiring, recordkeeping, etc.?
 - (b) Specifically, which laws is the Commission bound to follow? For example, since Commission employees will not be state employees, is the Commission bound to follow state hiring procedures?
 - (c) Request input from Governor’s office, State Attorney General’s Office, and the Comptroller’s Office
 - 3. Requirements under Vermont law that must be satisfied in Compact Commission fiscal operations even though the Compact operates under Texas law.

4. Jurisdiction of TCEQ and the Compact Commission with regard to the functioning of the Compact Facility and the identification of any potential conflicts that may exist and the need for any potential rulemakings (or requests thereof) identified during discussions.
 5. Article III, Section 3.05(6) – Authority of Compact Commission and the Texas Commission on Environmental Quality (TCEQ) regarding disposal of low level waste in Texas and the disposal in places other than Texas of wastes generated in other than Compact member areas.
 6. Article III, Section 4.04(4) - Authority of the Compact Commission and TCEQ to establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code and which are sufficient to support the Commission
 7. Interagency Contract between the Commission and the TCEQ
- B. Operational - The Commission may discuss those actions necessary to successfully stand-up a legally separate and distinct interstate compact commission.
1. Procedural
 - (a) Duties of the Compact Commission
 - (b) Rules and by-laws necessary for Commission operation
 - (c) Policy for public meetings including locations, publicity and policy or public comment at meetings
 2. Logistical
 - (a) Location of office
 - (b) Contact information
 - (c) Mail
 - (d) Internet
 - (e) Records
 - (f) Processing expense vouchers
 - (g) Contracting
 - (h) Support
- C. Program Planning
1. Funding
 2. Budget - Article III, Section 3.04 (6)
 - (a) Compact Commission FY2009
 - (b) Compact Commission FY2010 and FY 2011 budgets
 - (c) Pro-rata share of each party state, Article III, Section 4.04 (6)
 3. Rulemaking

- (a) Plans to establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995-2045, including decommissioning waste. Article III, Section 3.04(11)
 - (i) Time line
 - (ii) Data sources
 - (iii) Status of licensure of Texas low-level radioactive waste disposal facility by Texas Commission on Environmental Quality (TCEQ)
- (b) Bylaws and rules necessary to carry out the terms of the compact.
- (c) Public Comment policy

WORKSHOP AGENDA

- VI. Approval of minutes or transcript from February 13, 2009, meeting
- VII. Discussion and possible action on the question of practical interpretation of “a legal entity, separate and distinct from the party states”.
- VIII. Discussion and development for plan to address any potential conflicts between Compact Commission and TCEQ functions
- IX. Discussion and take action on any and all steps necessary to commence operations identified in item V.B of the Workshop Agenda
- X. Approval and adoption of an initial budget for FY2009 per *Health And Safety Code, Title 5. Sanitation And Environmental Quality, Subtitle D. Nuclear And Radioactive Materials, Chapter 403, Texas Low-Level Radioactive Waste Disposal Compact, Sec. 3.04(6)*
- XI. Approval and adoption of budgets for FY2010 and FY 2011 per *Health And Safety Code, Title 5. Sanitation And Environmental Quality, Subtitle D. Nuclear And Radioactive Materials, Chapter 403, Texas Low-Level Radioactive Waste Disposal Compact, Sec. 3.04(6)*
- XII. Approval to take actions necessary to contract/hire staff to carry out Commission duties and functions through contracts and/or hiring per *Texas Low-Level Radioactive Waste Disposal Compact, Sec. 3.05(1)*
- XIII. Approval of a schedule for rulemaking to comply with Section 3.04(11) of the Compact as it appears in Section 403.006 of the Texas Health and Safety Code
- XIV. Approval of a schedule for rulemaking for bylaws and operating rules
- XV. Approval of a schedule for rulemaking for public comment policy
- XVI. Agenda items for next meeting
- XVII. Selection of next meeting date and location

XVIII. Public Comment

XIX. Adjourn

The Texas Low-Level Radioactive Waste Disposal Compact Commission may meet in Closed Session on any item listed above if authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code.