

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL  
COMPACT COMMISSION

AGENDA  
August 19, 2009

8:30 a.m.

Brazos III Room  
Courtyard by Marriott  
Austin Downtown  
300 E. 4<sup>th</sup> Street  
Austin, Texas 78701

1. Call to Order
2. Roll Call
3. Introduction of Guests
4. Approval of minutes from the July 21, 2009, meeting
5. Discussion of and possible vote to approve for final adoption, Rule 675.1, Part 21, Title 31, Texas Administrative Code (the so-called "volume" rule) that was approved for publication at the June 5, 2009 meeting
6. Exportation of low-level radioactive waste to management and disposal facilities outside of the Texas Compact
  - a. Discussion of Stakeholder Meeting of August 7, 2009
  - b. Discussion of and possible vote to approve for publication a new Rule 675.2 to be captioned "Exportation of Waste to a Non-Party State," to be contained in Chapter 675, Part 21, Title 31, Texas Administrative Code, governing export of low-level radioactive waste as provided for in Section 3.05(7), Texas Low-Level Radioactive Waste Compact as compiled in Chapter 403, Texas Health and Safety Code
7. Consideration of and possible vote to approve generator petitions for export of low-level radioactive waste to

management and disposal facilities outside of the Texas Compact

- a. Petitioner: Luminant Generation Company LLC ("Luminant"), owner of the Comanche Peak Nuclear Power Plant ("Comanche Peak"), with the principal offices of Luminant located at 500 N. Akard St., Dallas, Texas 75201
  - b. Petitioner: Vermont Yankee Nuclear Power Station, an affiliate of Energy Nuclear Operations, Inc., with principal office of Entergy Nuclear Operations, Inc., located at 440 Hamilton Ave., White Plains, New York 10601
  - c. Petitioner: SPT Nuclear Operating Nuclear Operating Company (STPNOC), PO Box 289, Wadsworth, TX 77483
  - d. Petitioner: Texas A & M University, Environmental Health and Safety 4472 TAMU, College Station, TX 77843-4472
8. Importation of low-level radioactive waste to the management and disposal facility of the Texas Compact
  - a. Discussion of Stakeholder Meeting of August 7, 2009
  - b. Discussion of and possible vote to approve the development of a plan to establish rules and procedures relating to importation of low-level waste pursuant to the Texas Low-Level Radioactive Waste Compact (in particular Sections 3.05(6) and 6;02) as compiled in Chapter 403, Texas Health and Safety Code
9. Report of the Committee on Amicus Brief (Dolgener, Vanags, Wilson)
  - a. In the matter of suit pending as an original action in the Supreme Court of the United States, No. 220132 ORG, styled State of Alabama et. al., Plaintiffs v. State of North Carolina
  - b. Study of the brief prepared by the Rocky Mountain Compact
  - c. Discussion, consideration, and possible vote as to whether to join the Southeast Compact Commission as an

Amicus Curiae in the matter of Northwest Compact v.  
Energy Solutions

10. Report of the Bylaws Working Group (Ford, Vanags, White)
  - a. Discussion of draft Bylaws
  - b. Possible vote to approve Bylaws
  
11. Discussion and possible action by the Commission with regard to planning for future action
  - a. Policies and operating rules and the assigned priorities thereof
  - b. Rulemaking needs and schedule for FY 2010-2011
  - c. Operating plans for the Commission, including priorities for statutory duties
  - d. Report on records management
  
12. Report of the Finance Working Group (Ford, Smith, Wilson)
  - a. Discussion and possible action to approve bank account(s) and policy for management of funds in excess of FDIC limits
  - b. Status of requested advances for equipment purchases and other reimbursements
  - c. Discussion and possible action to approve reimbursement of Commissioners and Interim Executive Director for purchases including equipment and meeting space
  
13. Discussion and possible action on funding and budget
  - a. Discussion and possible action on Interagency Contract between the Commission and the Texas Commission on Environmental Quality (TCEQ) to include review and approval of possible revisions to 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)

- i. budget update
    - ii. budget revisions to categories of expense
  - b. Discussion and possible action on adoption of possible revisions to 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)
- 14. Discussion and possible action to contract or hire for services necessary to carry out Commission duties and functions per Texas Low-Level Radioactive Waste Disposal Compact, Sec. 3.05(1) and (3), to include:
  - a. Legal Counsel
  - b. Certified Public Accountant
    - i. independent audit
    - ii. monthly financial services
  - c. Renewal of Interim Executive Director Contract for services of Margaret Henderson
  - d. Other services as determined by the Commission
    - i. Telephone service
    - ii. Mail box renewal
- 15. Information Technology Service of email, Internet site design and hosting, storage and use
  - a. Consideration and possible action to enter service agreement or contract
  - b. Approval for launch of website
- 16. Discussion and possible action to purchase essential equipment and materials necessary to carry out Commission

duties and functions per Texas Low-Level Radioactive Waste Disposal Compact, Sec. 3.05(3)

- a. audio equipment
  - b. other
17. Discussion of invoicing a party state for its pro rata share of the Commission's expenses
  18. Agenda items for next meeting
  19. Selection of next meeting date and location
  20. Public Comment
  21. 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.