

MOTIONS AND POLICIES OF THE SOUTHEAST COMPACT COMMISSION

by date of enactment

- June 23, 2016 **Amendments to By-Laws Approved** (SECC Minutes, 6/23/16, p. 9)
Amendments to the By-Laws regarding the Office of the Commission, Meetings by Teleconference, Minutes, Officers Elections, and potential Conflicts of Interest were approved.
- New Investment Firm** (SECC Minutes, 6/23/16, p. 9)
The Commission voted to transfer its investments from the Bank of America to Raymond James and Associates.
- October 2, 2015 **Revised Policy on Management of LLRW** (SECC Minutes, 10/2/15 p. 7)
The Commission voted to approve a revised Policy on the Management of Low-Level Radioactive Waste.
- Strategic Plan for Low-Level Radioactive Waste Management Revised** (SECC Minutes, 10/2/15, p. 7)
Commission revised the Strategic Plan, which provides a vision and plan of action for the Commission’s work.
- June 10, 2014 **Commission Revised Statement of Investment Objectives** (SECC Minutes, 6/10/14, p. 7)
The Commission revised the Statement of Investment Objectives to reflect a change in the Commission’s investment firm.
- February 14, 2014 **Ad Hoc Group Appointed to Negotiate for New Executive Director** (SECC Minutes, February 14, 2014, p. 2)
Commission voted to authorize an ad hoc group to negotiate and hire new Executive Director, upon the retirement of the current director.
- December 3, 2013 **Policy Statement on the Management of Low-Level Radioactive Waste** (SECC Minutes, 12/3/13, p. 6)
The Commission voted to archive the “Policy Statement on the Management of Low-Level Radioactive Waste” and to develop a new statement reflecting the current policy of the Commission with regard to low-level waste management.
- February 8, 2013 **Budget Planning** (SECC Minutes, 2/8/12, p. 4)
Planning for the annual budget of the Commission will be based on an amount not more than 10% greater than the projected annual revenues for the same fiscal year provided that the amount of the annual budget is not less than the current year’s budget.
- March 21, 2012 **Ad Hoc Group Appointed** (SECC Minutes, 3/21/12, p. 4)
Commission instructed the Chair to appoint an Ad Hoc Group to assist generators in the region with disposal of Class A Sealed Sources at the EnergySolutions

facility in Clive, Utah, to take advantage of the opportunity created by a one-year variance granted to the facility license.

Commission Revised Statement of Investment Objectives (SECC Minutes 3/21/12, p. 5)

The Statement of Investment Objectives was amended to allow investment in corporate bonds with at least a single “A” rating by either the Standard and Poor’s rating agency or Moody’s rating agency. Investments in corporate bonds will be limited to 20 percent of the total par value of funds held by the Commission, with no more than one percent of the total par value of the funds held by the Commission invested in any one issuer of corporate bonds. Should the rating by either Standard and Poor’s or Moody’s of a corporate bond held by the Commission fall below a triple “B” rating, the Commission shall sell that investment.

March 23, 2011

Document Retention Policy Adopted (SECC Minutes, 3/23/11, p. 5)

Commission adopted Document Retention Policy, which provides guidance regarding the retention and disposal of Commission documents.

Travel Policy Revised (SECC Minutes, 3/23/11, p. 5)

Commission revised the Travel Policy to require notification to the Executive Director in advance of travel to meetings other than Commission meetings.

Strategic Plan Revised and Adopted (SECC Minutes, 3/23/11, p. 5)

Commission approved revision of Strategic Plan along with ranking of strategies to guide staff and Commission members with the implementation of the Plan.

December 7, 2010

Resolutions Adopted Regarding Viability of Commission and Compact Law (SECC Minutes, 12/7/10, p. 3-5)

Commission adopted two resolutions. The first “determines that its mission and duties as stated in the compact law, continue to be appropriate, necessary, and worthy of pursuit.” The second “concludes that, with the exception of certain provisions related to facility site development, the Southeast Compact law is enforceable and provides the authority needed for the Commission to fulfill its mission and duties, including developing an alternative approach to site development.”

Location of Commission Office (SECC Minutes, 12/1/10, p. 7)

Commission voted to postpone moving the Commission office to a member state.

July 29, 2010

Investment Policy Amended (SECC Minutes, 7/29/10, p. 3)

Commission amended the Investment Policy to reflect Merrill Lynch as the new investment firm.

Alabama et al v. North Carolina (SECC Minutes, 7/29/10, p. 4)

Commission voted to proceed with legal action in accordance with recommendations received from legal counsel regarding the remaining claims against North Carolina in the lawsuit, *Alabama et al v. North Carolina*.

Strategic Plan Revised and Adopted (SECC Minutes, 7/29/10, p. 5)
Commission adopted revised Strategic Plan for 2010-2011.

June 4, 2010

Future Access to the Texas Compact Facility (SECC Minutes, 6/4/10, p. 4)
Commission instructs its officers and staff to undertake the necessary and appropriate steps to develop and submit an application to the Texas Compact Commission for the import of low-level radioactive waste from the Southeast Compact region if and when the Texas Compact Commission adopts rules for importation and completes the necessary steps to establish an application process. The officers are authorized to expend up to \$50,000 for technical consulting services, other contracts, and fees, as needed to perform this task.

Critical Path Decisions FY 2010-2011 (SECC Minutes, 6/4/10, p. 4)
Commission requested that the staff research activities 1-5 in the document “Moving Forward: Critical Path Decisions FY 2010-2011,” and report back to the Commission.

Funds Set Aside for Future Use (SECC Minutes, 6/4/10, p. 5)
Commission approved setting aside \$8.5 million to provide for operational expenses for five years, plus contingency expenses. When it becomes necessary to access these funds, the Commission will immediately take action to develop an alternate source of funding.

August 11, 2009

Amicus Brief Re: *EnergySolutions v. Northwest Interstate Compact on Low-Level Radioactive Waste Management et al* (SECC Minutes, 8/11/09, p. 2)
Commission approved that its Vice-Chairman, Secretary-Treasurer, and staff would work with legal counsel to review and approve the wording of a brief of amicus curiae in support of the defendant-appellants in the case of *Energy-Solutions v. Northwest Interstate Compact on Low-Level Radioactive Waste Management et. al.*, and would file the brief on behalf of the Commission no later than September 3, 2009.

June 17, 2009

Policy Statement on the Management of Low-Level Radioactive Waste Amended (SECC Minutes 6/17/09, p. 6) (Archived on December 3, 2013)
Commission approved an amendment to the policy to include a statement reflecting the fact that access to the disposal site at Barnwell, SC is no longer available.

Policy Statement on Radiation Control (SECC Minutes 6/17/09, p. 6)
Regarding its policy to promulgate legislation “establishing a national policy in regard to ionizing radiation including the management of radioactive waste,” the Commission agreed that it would build a consensus through meeting with other organizations on this issue before going to Congress, and that the consensus group needs to be clear on what specifically it would ask Congress to do.

Amicus Brief to be Filed Re: *EnergySolutions v. Northwest Interstate Compact on Low-Level Radioactive Waste Management et al* (SECC Minutes 6/17/09, p. 7)
Commission authorized the firm of Jordan Price Wall Gray Jones & Carlton, PLLC to proceed with the necessary actions for preparing an Amicus Brief in the

matter of *EnergySolutions v. Northwest Interstate Compact on Low-Level Radioactive Waste Management et al* to be reviewed by this Commission.

December 5, 2008

Export Policy Revised (SECC Minutes, 12/5/08, p. 5)

Commission revised the Export Policy “to allow for export of low-level radioactive waste until such time as another regional facility has been identified. Generators exporting waste are subject to any specific restrictions and/or requirements of the receiving states and compacts.”

Policy Statement on the Management of Low-Level Waste Amended (SECC Minutes, 12/5/08, p. 5)

Commission amended one sentence in the policy to read: “In the case of the siting efforts in the Southwestern Compact, actions taken by the Federal government thwarted the siting of a disposal facility on federal land.”

June 27, 2008

Travel Policy Revised (SECC Minutes, 6/27/08, p. 4)

Commission approved revisions to the Travel Policy that provided clarification to existing procedures and included additional travel options.

Staff Merit Increase Policy Revised (SECC Minutes, 6/27/08, p. 4)

Commission approved a revision to the Staff Merit Increase Policy to allow the Executive Director to award staff with a yearly bonus in lieu of yearly salary merit increases if the increases are not fully funded in the current budget.

Strategic Plan for Low-Level Radioactive Waste Management Revised (SECC Minutes, 6/27/08, p. 3)

Commission revised the Strategic Plan, which provides a vision and plan of action for the Commission’s work.

Policy Statement on the Management of Low-Level Waste Revised (SECC Minutes, 6/27/08, p. 3)

Commission revised the Policy Statement on the Management of Low-Level Waste that was originally adopted on 11/30/05.

Policy Statement on Radiation Control Adopted (SECC Minutes, 6/27/08, p. 4)

Commission adopted a policy expressing that the current system of controls over ionizing radiation is “inconsistent” and that a “unified vision” is needed. It recommends that the U.S. Congress promulgate legislation “establishing a national policy in regard to ionizing radiation including the management of radioactive waste.”

August 30, 2007

Resolution to Reaffirm and Ratify Litigation Against North Carolina (SECC Minutes, 8/30/07, p. 2)

Commission passed a resolution reaffirming and ratifying “its requests of December 9, 1999, August 10, 2001, and April 2, 2002, that the Commission pursue enforcement actions, including litigation, against North Carolina on behalf of the member states, specifically litigation before the United States Supreme Court.” The Commission further reaffirmed and ratified “its direction that the Executive Director and the officers of the Commission, acting on behalf of the

member states, work with outside counsel to pursue such enforcement actions, including litigation before the United States Supreme Court.”

- June 20, 2007 **Long-Term Disability Leave Policy Adopted** (SECC Minutes, 6/20/07, p. 2)
Commission adopted a policy to self-insure long-term disability leave for employees unable to secure commercial coverage.
- April 18, 2007 **Authorization for Legal Expenditures** (SECC Minutes, 4/18/07, p. 2)
The 2006/2007 budget was amended “to reflect a \$1,105,000 increase in the Professional Fees line item to bring the budget in line with current expenses and to accommodate the ongoing lawsuit against North Carolina.”
- December 20, 2006 **Commission Approves Amendment to Interregional Agreement** (SECC Minutes, 12/20/06, p. 3-4.)
Commission approved an Amendment to the Interregional Facility Access Agreement By and Between the Central Midwest Interstate LLRW Commission and the Southeast Interstate LLRW Management Commission.
- Article VI, Section 4 of By-Laws Amended** (SECC Minutes, 12/20/06, p. 3-4)
Commission approved an amendment to the By-Laws, Article VI, Section 4, Executive Director. Upon completion of the Executive Director’s review, the officers “may recommend to the Commission an increase of the Executive Director’s annual compensation based upon his/her meritorious job performance and the cost of living index. The increase in annual compensation may be in the form of a merit increase to the base salary, a one-time lump sum merit payment, other form of compensation approved by the Commission, or combination thereof.”
- July 26, 2006 **Commission Authorizes Actions to be Taken by Legal Counsel,** (SECC Minutes, 7/26/06, p. 2)
Commission authorized the firm of Sidley Austin LLC to proceed with the necessary actions for obtaining a favorable judgment from the Supreme Court of the United States on the claims filed with the Supreme Court in the matter of *State of Alabama et al v. State of North Carolina, No. 132, Original*.
- Additionally, the Commission authorized expenditures up to \$500,000 for the services of Sidley Austin LLC in this matter.
- June 29, 2006 **Commission Continues Financial Support of Legal Action** (SECC Minutes, 6/29/06, p. 3)
Commission voted to authorize up to \$75,000 in expenditures for legal expenses for the next phase of legal activity. The budget contained sufficient funds to authorize the expenditure.
- Article VII, Section 3 of By-Laws Amended** (SECC Minutes, 6/29/06, p. 3)
Commission approved an amendment to the By-Laws, Article VII, Section 3. Annual Budget. The amendment states that “the Administrative Committee may approve changes to the Commission budget of up to an amount equal to *two percent of the annual budget or \$10,000, whichever is greater*, without

Commission approval, provided it is reported at the next meeting of the Commission.”

February 24, 2006

Commission Resolutions Regarding Previous Motions and Policies (SECC Minutes, 2/24/06, p. 3)

Commission approved the following resolutions:

“The Commission resolves to rescind the resolution passed on May 2, 1995 that reads: ‘The Finance Committee recommends that the Commission approve the increase of the mileage rate to \$.30 per mile and the per diem meal allowance to \$38 effective immediately upon the approval of the Commission.’

The Commission resolves that henceforth, the Commission will reimburse mileage at the Federal privately owned vehicle reimbursement rates and will reimburse for meals in an amount equal to the Federal meal and incidental rate, as determined by the U.S. General Services Administration. The Commission will continue to reimburse other reasonable and necessary travel expenses actually incurred, subject to appropriate review and approval.

Whereas the Commission no longer has a designated host state, the Commission resolves to terminate the Host States Assistance Fund established by a resolution passed on February 9, 1988.

The Commission resolves to rescind the resolution passed on September 25, 1987, as it is no longer applicable to the circumstances of the Commission, which reads: ‘... identification of the third host state shall occur ten years or more prior to the opening of a regional disposal facility in a third host state. This would be an outer boundary and would not preclude an earlier host state identification decision.’

The Commission resolves to rescind the resolution passed on November 21, 1986, as it is no longer applicable to the circumstances of the Commission, which reads: ‘Unless a potential party state volunteers to become the host state succeeding South Carolina, the Compact Commission will consider no applications for compact membership.’”

November 30, 2005

Article V, Section 10. Executive Session of By-Laws Amended (SECC Minutes, 11/30/05, p. 4)

Commission approved an amendment to the By-Laws, Article V, Section 10 Executive Session “to expand the reasons for which the Commission may enter into executive session to include discussion of personnel and contractual matters.”

By-Laws Amendment to Provide for Executive Sessions of Committees Established by the Commission (SECC Minutes, 11/30/05, p. 4)

Commission approved an amendment to the By-Laws to allow for Executive Sessions of Committees of the Commission.

Policy Statement Adopted (SECC Minutes, 11/30/05, p.5)

Commission adopted Policy Statement regarding the management of low-level radioactive waste.

- January 20, 2005 **Section 83 Plan – Employee Benefits** (SECC Minutes, 1/20/05, p. 2)
 Commission adopted a “Section 83 Plan,” an “Award Agreement” with each Participant included in the Plan, and an “Administrative Agreement” with Edward Jones to establish a deferred retirement benefit for current employees of the Commission. The Secretary-Treasurer was empowered to fund the Plan in the amount of \$600,000 from the Commission’s general funds and appointed to act as the “Plan Administrator” to administer the Plan as described in Article 4 of the Plan.
- September 17, 2004 **Position Regarding Status of North Carolina** (SECC Minutes, 9/17/04, p.3)
 Commission approved the following position:
 “The Southeast Compact Commission for Low-Level Radioactive Waste Management is and remains that whereas North Carolina is no longer a party state to the compact, nor a member of the Compact Commission, North Carolina is subject to the sanctions resolution adopted by this Commission on December 9, 1999, until it satisfies the terms of the sanctions resolution or the case against North Carolina is otherwise resolved as determined by the Commission in its sole discretion. No action taken or statement made by the Commission or its staff for administrative purposes while the issue is in litigation can or should be interpreted to mean that the Commission holds any other view.”
- June 29, 2004 **Adjustment to Employee Benefits** (SECC Minutes, 6/29/04, p. 3)
 Commission approved \$150,000 in life insurance coverage for each employee.
 Commission approved purchase of long-term care insurance for each employee.
 Commission adjusted employee benefits to self-insure for short-term disability income for a period not to exceed 12 months.
 Commission accepted in concept a motion to provide a supplemental retirement benefit to current staff and asked officers to draw up contracts to be finalized by the Commission at a later date.
- Contract with Former Chairman** (SECC Minutes, 6/29/04, p. 4)
 Motion approved to contract, as needed, with Jim Setser, former chairman and outgoing commissioner, to provide assistance with the on-going litigation and other issues related to the compact and other commission related activities.
- Explore Issue of Access** (SECC Minutes, 6/29/04, p. 5)
 Motion approved that staff continue to look into the issue of access for disposal, checking with generators to determine their needs, and investigating alternate means for tracking waste generation and disposal.
- December 18, 2003 **Adjustment to Employee Benefits** (SECC Minutes, 12/18/03, p. 2-3)
 IRC Section 457 plan established for employee-only tax-deferred contributions.
 Paid holidays increased from 10 to 12.
 Term life insurance and accidental death insurance approved for all employees in the amount of one and one-half times annual salary, not to exceed \$150,000. Commission authorized the purchase of short-term and long-term disability

insurance for all employees. The annual cost for coverage for all insurance for employees is not to exceed \$16,000.

Commission approved increase from 15% to 25% in annual contribution to employee SEP IRA retirement accounts.

Commission officers authorized to work with compensation experts to structure a supplemental retirement in a manner that will ensure the continued service of current employees to the Commission for a reasonable length of time.

October 1, 2003

Authorization for Legal Expenditures (SECC Minutes, 10/1/03, p. 5)
Commission authorized expenditures up to \$350,000 for the services of the firm Sidley Austin Brown & Wood, LLD to pursue enforcement of the Commission's sanctions against North Carolina.

Revision to Five-Year Strategic Plan, (SECC Minutes, 10/1/03, p. 5)
The following revisions were made to the Five-Year Strategic Plan:

- (1) Add a strategy under Goal 1, Objective 3 to develop, maintain, and publicize the Richard S. Hodes, M.D. Honor Lecture Award to encourage innovation in low-level radioactive waste management in the United States.
- (2) Delete Objective 4 under Goal 1 calling for the development of a contingency plan for emergency assess to alternative facilities in the event that disposal services cease to be available to the Southeast region.
- (3) Amend Goal 2 to read as follows: "Pursue national policy to benefit the states within the Southeast Compact."

February 11, 2003

Establishment of Richard S. Hodes, M.D. Honor Lecture Award (SECC Minutes, 2/11/03, p. 2)
By unanimous vote, the Commission established the Richard S. Hodes, M.D. Honor Lecture Award in memory of the Commission's late chairman. The award will be presented at the annual meeting of Waste Management, recognizing an individual, company, or organization that contributed in a significant way to improving the technology, policy, or practices of low-level radioactive waste management. The award recipient will receive a \$5,000 honorarium and all travel expenses will be paid.

April 2, 2002

Continued Authorization to Work with Counsel on Litigation (SECC Minutes, 4/2/02, p. 2)
By consensus, the Commission decided to continue with the existing August 10, 2001 motion regarding litigation.

Ad Hoc Committee to Study Action to memorialize Dr. Richard Hodes (SECC Minutes, 4/2/02, p. 3)

Ad Hoc Committee established to study and recommend a suitable action that would memorialize Dr. Hodes.

\$25,000 for National Research Council's Study (SECC Minutes, 4/2/02, p. 4)
\$25,000 appropriated for National Research Council's study, *Improving Practices for Regulating and Managing Low-Activity Radioactive Waste*.

August 9-10, 2001

Authorization to Work with Counsel on Litigation re: Sanctions (SECC Minutes, 8/9-10/02, p. 4)

"The Executive Director and the officers of the Commission are directed to work with outside counsel to take such enforcement actions, including litigation, on

behalf of the Commission and each and every party state as necessary to enforce any and all sanctions.”

- June 19, 2001 **Interregional Facility Access Agreement** (SECC Minutes, 6/19/01, p. 2)
Interregional Facility Access Agreement with the Central Midwest Compact Commission renewed for five-year period.
- Interregional Agreement for Waste Management** (SECC Minutes, 6/19/01, p. 3)
Adopted Interregional Agreement for Waste Management, which facilitates the flow of waste between states for processing and assures that the return of waste to the original generator will not be blocked.
- January 26, 2001 **“Statement of Investment Objectives and Policies” Amended** (SECC Minutes, 1/26/01, p. 2)
Amended policy allows for a broader use of investments which are backed by the United States, either directly or indirectly, and a higher investment return.
- August 8, 2000 **Commission Supports US Ecology in Lawsuit** (SECC Minutes, 8/8/00 Teleconference Call, p.1)
Commission voted to send a letter to the U.S. Court of Appeals expressing support for US Ecology in its lawsuit against the U.S. Department of the Interior.
- June 21, 2000 **Commission Expresses Support for Low-Level Waste Forum** (SECC Minutes, 6/21/00 Teleconference Call, p. 2)
The Commission expressed its support for the continuance of the LLRW Forum activities and urged the Department of Energy to continue funding.
- December 9, 1999 **Amendment to By-Laws** (SECC Minutes, 12/9/99, p. 2)
Amendment approved which allows the Executive Director to contract for professional services up to \$10,000. The By-Laws previously allowed \$5,000.
- Amendment to By-Laws** (SECC Minutes, 12/9/99, p. 3)
Amendment approved which allows the Commission to discuss attorney/client items in Executive Session.
- Commission Finds North Carolina in Violation of the Provisions of the Compact** (SECC Minutes, 12/9/99, p. 5)
After a Sanctions Hearing held on 12/8/99, the Commission found North Carolina in violation of the provisions of the Compact and its obligations as a party state to the Compact.
- Commission Imposes Sanctions Against North Carolina** (SECC Minutes, 12/9/99, p.5)
Sanctions approved include the repayment of \$79,930,337 in funds provided by the Commission to North Carolina for the development of a regional LLRW facility, plus interest, payment of \$10 Million for loss of a source of funds for the Commission's operating budget for a period of 20 years, and payment of the Commission's attorney's fees incurred since the date of the sanctions complaint filed by the States of Florida and Tennessee, June 21, 1999.
- Staff to Work with Counsel re: Import of Waste for Waste Processing** (SECC Minutes, 12/9/99, p.6)
Commission staff was instructed to contract with and work with counsel within the constraints of the current budget to conduct the necessary research and to report back to the Commission at its next meeting the steps that would be needed in the event the Commission elects to exercise control over import of waste the region for the purpose of waste processing.

Authorization of \$100,000 for Legal Services (SECC Minutes, 12/9/99, p. 6)
In accordance with a motion passed at the April Commission meeting to set aside \$100,000 to be used for legal services in addition to professional services line item in the current budget, the Commission authorized the use of the \$100,000 to implement the resolutions adopted on December 9, 1999.

- October 21, 1999 **Amendment to "Guidelines to Sanctions Hearing"** (SECC Minutes, 10/21/99 Teleconference Call, p. 1)
Amendment to "Guidelines to Sanctions Hearing" to remove the requirement that the hearing officer be a retired federal jurist or former state trial judge was adopted.
- August 30, 1999 **Commission to Present Proposal to South Carolina** (SECC Minutes, 8/30/99, Teleconference Call, p. 2)
South Carolina asked several compacts to present proposals on the possibility of South Carolina joining a compact. The Southeast Compact was included in the invitation. The Commission authorized three commissioners to open dialogue with South Carolina and present a proposal.
- August 19, 1999 **Commission Contracts with Washington Legal Firm** (SECC Minutes, 8/19/99, p. 2)
Commission contracted with Sidley & Austin for legal services not to exceed \$15,000.
- Commission Proceeds with Sanctions Hearing** (SECC Minutes, 8/19/99, p. 3)
Upon a recommendation of the Sanctions Committee, the Commission voted to proceed with a Sanctions Hearing to decide if North Carolina had violated the provisions of the Compact and its obligations as a party state to the Compact.
- Commission Rules that North Carolina's Rights and Obligations Continue** (SECC Minutes, 8/19/99, p. 3-4)
Commission voted that in accordance with Article 7F of the Southeast Compact, North Carolina's rights and obligations as a party state shall continue until final resolution of the sanctions.
- "Guidelines for the Sanctions Hearing" Approved** (SECC Minutes, 8/19/99, p. 4)
Commission approved "Guidelines for the Sanctions Hearing."
- April 21, 1999 **Recognition of Commissioners** (SECC Minutes, 4/21/99, p. 2)
Commission voted that commissioners who have rotated off the Commission will be recognized with a letter, plaque or other tangible item.
- Letters Sent to North Carolina Leadership** (SECC Minutes, 4/21/99, p. 6)
Letters sent to North Carolina leadership advising them that the State of North Carolina currently stands in violation of the compact law. Letters request that a plan and schedule for North Carolina to return to a state of compliance with the compact law and provide a disposal facility for the region.
- September 3, 1998 **Additional Funding for Budget** (SECC Minutes, 9/3/98, p. 3)
Additional funding was placed in the budget in the amount of \$100,000, allowing the Commission to engage specialized legal assistance to evaluate legal options in the funding impasse with the second host state.

Adoption of Interstate Agreement (SECC Minutes, 9/3/98, p.4)
Commission voted to adopt the Interstate Agreement for the Uniform Application of Manifesting Procedures.

November 7, 1997

Time Specific Set for Agreement with MOU or Alternative Funding (SECC Minutes, 11/7/97, p.4)

Commission reaffirmed its agreement in principle with the MOU and set a time specific for agreement by the Authority or an alternative funding solution.

Chairman to Contact Governor regarding MOU (SECC Minutes, 11/7/97,p.5)

Commission voted that Chairman would contact Governor of North Carolina to request his assistance in procuring active participation in resolving the funding issue.

August 21, 1997

Revision of Travel Policy (SECC Minutes, 8/21/97, p. 3)

Motion approved requiring that reimbursement for travel expenses by Commissioners be made within a six-month period after travel effective September 30, 1997.

Agreement in Principle with Memorandum of Understanding (SECC Minutes, 8/21/97, p. 4)

Motion passed that agreed in principle with MOU, urged North Carolina to consider the MOU, authorized expenditure of funds to support negotiation.

Requests that North Carolina Consider MOU (SECC Minutes, 8/21/97, p.4)

Motion approved to request that the North Carolina Authority consider the proposed Memorandum of Understanding (MOU) as a mechanism to address the license funding shortfalls and construction funding. A response regarding the Authority's intent with regard to the proposal was requested by December 1, 1997. An expression of agreement in principle to the final MOU or an alternative proposal with appropriate concurrences was the Southeast Compact Commission's expectation.

Funding for Legal Opinions (SECC Minutes, 8/21/97, p. 5)

Commission authorized the expenditure of up to \$10,000.00 from the Commission's budget funds to obtain legal opinions regarding the Memorandum of Understanding and specifically regarding the export restriction issue.

Interim Funding to the Authority (SECC Minutes, 8/21/97, p.5)

Approved motion that stop gap funding would be provided to the North Carolina Authority through November 30, 1997 up to \$1.2 million.

July 22, 1997

10/3/96 Resolution Revised-Additional Funding (SECC Minutes, 7/22/97, p.3)

Motion passed for "additional funding for the months of August and September for a total of up to \$1.4 million. Further funding beyond the \$1.4 million being considered would be predicated upon North Carolina providing the Commission with a successful progress report."

Task Force for Facility Funding Report Adopted (SECC Minutes 7/22/97,p. 4)

The Task Force for Facility Funding Report was formally adopted by the Commission and transmitted to the North Carolina Authority.

April 18, 1997

Task Force to Continue Work (SECC Minutes, 4/18/97, p. 4)

The Task Force for Facility Funding was established in Feb, 1997, to develop a plan whereby there would be sufficient funding to complete North Carolina project. The Task Force was given approval by the Commission to continue its work towards recommendations on future funding.

Release of Funds to North Carolina (SECC Minutes, 4/18/97, p. 5-6)

The following motion was approved: "The Monitoring Committee recommends to the Commission that the funds for the 3rd quarter, 1997, be released to the N.C. Authority after July 15 in the amount of \$2.9 Million over the \$6 Million previously authorized, pursuant to affirmative recommendations from the Authority on Decision Points 1 and 2 that in the reasonable judgment of the Authority it makes sense to proceed with the project, subject to review and approval by the Monitoring Committee. The Staff will report the Authority's recommendations to the Chairman of the Monitoring Committee who will call a meeting of the Monitoring Committee to review compliance with the conditions stated in the October 3, 1996 motion of the Commission and to approve the further release of funds. At all times in the funding release process, the Chairman of the Monitoring Committee may be informed of fund releases and could call a meeting of the committee at any time."

October 3, 1996

Conditional Release of Funds to North Carolina (SECC Minutes, 10/3/96,p. 2)

Pending the adherence to certain terms and conditions, the Commission voted to release funds to cover amounts expended by the Authority for work on the Licensing Work Plan. The motion established the requirement for clear commitments from the Authority to maintain cost and schedule performance and from the N.C. Interagency Review committee that the Division of Radiation Protection and other agencies would devote needed resources to the project.

Implementation of Motion to Release Funds (SECC Minutes, 10/3/96, p. 5)

Three-step process to implement the release of funds for the Licensing Work Plan was approved.

August 27, 1996

By-Laws Amendment (SECC Minutes, 8/27/96, p.3)

Amendment to By-Laws approved that reorganized the Commission's committees and responsibilities.

Severance Policy Approved (SECC Minutes, 8/27/96, p.3)

Severance Policy for Commission employees adopted.

June 18, 1996

Resolution - Development of Terms by the State of North Carolina and the Southeast Compact Commission for Funding (SECC Minutes, 6/18/96, p.4)

Motion approved to request that the Governor of North Carolina appoint a person or agency to negotiate with the SECC terms of funding of the regional disposal facility. The resolution made it clear that the Commission wanted the project to proceed and provided for \$1 Million to be made available to NC to maintain its core staff during the negotiations. The Commission asked for a gesture from the Governor that he was interested in working with the Commission to eventually establish a facility.

November 14, 1995

Request for Comprehensive Site Assessment Report (SECC Minutes, 11/14/95, p.4)

Commission voted that they would not release funds for the project "until such time as we receive a response from the contractor regarding its financial participation in the project and a comprehensive site assessment report from the NCLLRWMA which includes scope, cost, and length of time required to pursue a licensing decision. Such a report was expected in late January/early February 1996. After such a report was received, the Commission would consider the question of additional funding to North Carolina for the purpose of site development."

August 22, 1995

Access Fees Rescinded; Refunds to be Made (SECC Minutes 8/22/95)

1st and 2nd Quarter Access Fees were rescinded and a refund of fees already paid to be made.

Export Policy (SECC Minutes, 8/22/95, p.4)(**Overrides Export Ban of 1/17/86**)

Commission voted to allow for the export of waste for disposal outside the region until such time as another regional facility is available.

\$5 Million Released from Reserves (SECC Minutes, 8/22/95, p. 3)

\$5 Million released from Commission's reserved funds previously set aside at the January 1995 meeting for payment of the third milestone.

CNSI Asked to Invest In the Project (SECC Minutes, 8/22/95, p. 3)

Motion approved to convey to the NCLLRWMA the sense of the Commission that "continued funding will rely on an agreement between the Authority and CNSI that will assure financial participation by CNSI in future site development."

Central Midwest Compact Inter-Regional Access Agreement (SECC Minutes, 8/22/95, p.4)

Commission entered into an Interregional Access Agreement with the Central Midwest Compact which allows for reciprocal access to LLRW treatment facilities.

May 2, 1995

Access Fee Policy (SECC Minutes, 5/2/95, p.7)

Policy adopted to set upfront fees for new generators and generators seeking renewal of access to the Regional Facility at Barnwell.

Per Diem Travel and Mileage Allowances (SECC Minutes, 5/2/95, p.7) (Motion Rescinded – SECC Minutes 2/24/06)

Motion approved to increase the mileage rate to \$.30 per mile and the per diem meal allowance to \$38 per day, effective immediately.

Jan. 13, 1995

Establishment of Commission Reserve Funds (SECC Minutes, 1/13/95, p.2)

Policy established to reserve \$6.6M in SECC funds for future Commission operating budgets, identification of the next host state, and a contingency reserve.

\$5 Million Set Aside for 3rd Milestone (SECC Minutes, 1/13/95, p. 3)

Commission approved a motion to set aside \$5 Million for payment of the third milestone to North Carolina.

\$5.4 Million Payment to NC LLRW Management Authority (SECC Minutes, 1/13/95, p. 3)

Commission authorized payment of \$5.4 Million to the North Carolina Low-Level Waste Management Authority for the purpose of completing the critical test phase.

Deferment of \$9 Million in Regional Access Fees (SECC Minutes, 1/13/95,p. 3)

Commission deferred "collection of \$9 Million (\$3 Million per quarter for the first three quarters of 1995) in Regional Access Fees from Southeast generators until completion of the critical test phase of September 1995, whichever occurs first."

November 15, 1994

Method for Certifying Whether State of North Carolina Has Met the March 15, 1995 Milestone (SECC Minutes, 11/15/94, p. 4)

Criteria established for certifying whether the State of North Carolina meets the March 15, 1995 milestone as outlined in the Commission's February 14, 1992 motion.

Deferment of 1st Quarter Access Fees (SECC Minutes, 11/15/94, p.7)
1st Quarter 1995 Access Fees to be deferred until the 2nd Quarter.

Aug. 26, 1994

Change in Policy for Release of Funds to North Carolina (SECC Minutes, 8/26/94, p. 5) ***Recinds motion of 4/29/94**

Commission rescinded the actions of the April 1994 meeting requiring approval for the release of funds by two of the three members of the ad hoc group and authorized release of the funds by the staff upon proper presentation of documentation pursuant to the provisions of the By-Laws of the Commission.

April 29, 1994

Funds from Regional Access Fee Granted to NC Authority (SECC Minutes 4/29/94, p. 6)

Commission granted a request from the NC Authority to advance funds from the Regional Access Fee when necessary on a documented basis not to exceed a total of \$3 million.

Fund Transfer Policy (SECC Minutes, 4/29/94, p. 6) * **Rescinded 8/26/94**

The following motion was adopted: "The Commission shall approve the transfer of up to \$7 million to North Carolina on an as-needed basis. The Chairman will appoint a group composed of the Chairman, the Treasurer, the Chairman of the Monitoring Group and any other Commissioner or Alternate Commissioner interested who will, by telephone and/or fax, evaluate the information provided to establish that the need for each payment has been documented. The written approval by a majority of the group will be required to authorize the actual expenditure of each requested payment."

Increase of Officer's and Director's Insurance (SECC Minutes, 4/29/94, p. 7)

Resolution passed to reallocate funds in the Commission budget for the increase in Officer's and Director's Insurance.

\$5 Million Incentive Payment Fund Collection Terminated (SECC Minutes, 4/29/94, p. 7)

Motion approved that terminated collection of fees for \$5 Million Fund. Funds to be held in account until it is determined that North Carolina has met the established milestones.

Excess Pre-1992 Regional Access Fees (SECC Minutes, 4/29/94, p. 7)

Proposal adopted to use excess Pre-1992 Access Fees and all interest to meet any deficiencies in the current Regional Access Fee that resulted from nonpayment.

By-Laws Amendment Adopted (SECC Minutes, 4/29/94, p. 8)

By-Laws Amendment adopted that requires an annual performance review of the Executive Director and staff members. The amendment also awarded a cost of living increase to employees commensurate with the state where the Commission office is located.

Amendment to Statement of Investment Objectives, Policy, and Procedure (SECC Minutes, 4/29/94, p. 7) **Amends 4/14/93 Policy**

Provided for the clarification of the Commission's Investment Objectives, Policy and Procedures.

Oct. 19, 1993

Commission to Write Governor Hunt (SECC Minutes, 10/19/93, p. 5)

Commission voted to write to Governor Hunt to acknowledge the political difficulty of dealing with the project, to express the Commission's appreciation and encouragement for North Carolina's efforts, and to offer technical assistance and support from the Southeast Region.

Various Personnel Policies (SECC Minutes, 10/19/93, p.7-8)

"Continue existing policies for sick leave, disability leave, fringe benefits and annual leave. Direct the Secretary-Treasurer and Executive Director to formally document the existing policy for annual leave.

"Cost-of-living raises will be linked to the cost-of-living increases awarded to state employees in the member state where the Commission office is located."

"Staff merit raises are determined on the basis of a formal performance evaluation, conducted with each employee by the Executive Director at least annually. Adopt the Draft Staff Merit Increase Policy."

"Adopt a formal process for evaluating the performance of, and determining merit increases for, the Executive Director."

"Establish a policy whereby the annual budget will include an amount sufficient to award cost-of-living raises and merit increases."

"Establish a salary structure for each existing staff position."

"Establish a salary structure for a trainee staff position to provide the flexibility to hire personnel at a salary lower than that for existing positions until such time as the trainee has developed all the required skills."

August 27, 1993

Method Developed to Certify NC Meeting 1993 Milestone (SECC Minutes, 8/27/93, p. 3-4)

Method approved whereby the Commission can certify that North Carolina meets the December 31, 1993 Milestone as outlined in the February 14, 1992 Motion.

April 14, 1993

Petitioning Procedures Adopted for Import Policy (SECC Minutes, 4/14/93, p. 6) **(Note: Expired 6/30/94)**

Procedures adopted for waste operators to petition the Commission for exceptions to the Import Policy.

Clarification of Import Policy (SECC Minutes, 4/14/93, p. 6) **(Note: Expired 6/30/94)**

Motion passed that clarified the Import Policy in that the contracts for access are only with compacts or unaffiliated states and not with generators.

Statement of Investment Objectives and Policies (SECC Minutes, 4/14/93, p. 4) **(Amended 4/29/94 Statement of Investment Objectives and Policies)**

Established objectives and guidelines for investment of fees collected by the Commission.

Nov. 13, 1992

Access Fees (SECC Minutes, 11/13/92, p.3) **(Amended 4/14/93 Motion)**

Motion approved that levied \$3M per quarter for a total of \$36 M in access fees on southeast waste generators for the period 1/1/93-12/31/95. Fee collection was to be in accordance with "Mechanism to Collect Revenues During the Period January 1, 1993-December 31, 1995 for Continued Development of the Second Regional Disposal Facility in the Southeast Compact Region."

Funds to Satisfy SC Budgetary Requirements (SECC Minutes, 11/13/92, p. 5)

Commission voted that as much of the \$220 cu. ft. on out-of-region waste as necessary will go to South Carolina to satisfy its \$73.3M budgetary requirements for the fiscal year 92-93.

Financial Administration of Out-of-Region Access Fees and the \$5 Million Incentive Payment Fund (SECC Minutes, 11/13/92, p. 4)

Detailed standards for financial administration of out-of-region access fees and the \$5M Incentive Payment Fund were established.

Import Policy Amendment (SECC Minutes, 11/13/92, p.5) **Amends Import Policy adopted 9/28/92**

Policy amended to allow generators, unaffiliated states and compacts to petition for exemptions from or modifications in the application of the November 13, 1992 import policy in accordance with procedures to be developed by the Commission.

September 28, 1992

\$220 Out-of-Region Access Fee for Import Period (SECC Minutes, 9/28/92,p. 2)
Established a fee of \$220 per cubic foot for the privilege of access to the Regional facility.

Import Policy and Contract for Jan. 1, 1993-June 30, 1994 (SECC Minutes, 9/28/92, p.2) **Amended 11/13/92**

Specified terms and conditions for import to Barnwell during the above period. Provided for contracts with compacts, access fees, progress reports.

Criteria for Generator Relief from \$5 M Incentive Payment (SECC Minutes, 9/28/92, p.6)

Provided for relief for defense related industries.

Aerojet Granted Relief from \$5M Incentive Fund Fee (SECC Minutes, 9/28/92, p. 7)

Motion passed that provided relief to Aerojet from the \$5M Incentive Fund Fee.

August 14, 1992

Barnwell Facility Designated as Regional Facility Until 1996 (SECC Minutes, 8/14/92, p.4)

Commission voted affirmatively to designate the Barnwell facility in South Carolina as the regional facility until 1996.

Continued Access to Out-of-Region Generators at Barnwell (SECC Minutes, 8/14/92, p.4-5)

In support of the LLRW Amendments Act which provides for the safe disposal of LLRW, the Commission granted continued access to the regional facility in Barnwell, South Carolina, to out-of-region generators who were currently disposing of their waste at Barnwell for the period 1/1/93-6/30/94.

\$5 M Incentive Payment Fund Established (SECC Minutes, 8/14/92, p.5-6)

Required all southeast generators except those from South Carolina to be assessed fee for \$5 M payment to South Carolina if North Carolina missed milestones. Generator's share of fees were proportional to regional waste disposed at Barnwell from 7/1/89-6/30/92.

February 14, 1992

Milestones and Penalties for North Carolina (SECC Minutes, 2/14/92, p.3)

Motion established three milestones for site development in North Carolina and payment of \$5 M to South Carolina for each milestone missed.

Also established a \$34 per cu. ft. access fee payable to South Carolina on all Southeast generators, except those in South Carolina for the period 7/1/92-12/31/95.

Amicus Curiae Brief to be Filed (SECC Minutes, 2/14/92, p.4)
Commission approved motion to file an amicus curiae brief supporting the United States government in the law suit *The State of New York v. The United States of America, et al.*

- October 25, 1991 **By-Laws Revised** (SECC Minutes, 10/25/91, p.6)
Changes were made in the By-Laws with reference to membership of the Finance Committee. With the change, the committee "shall consist of the Chairman, Secretary/Treasurer, the Vice-Chairman and one person from each party state not otherwise represented on the Finance Committee."
- Interim Period Policies** (SECC Minutes, 10/25/91, p.8-9)
Interim Options Report 2 adopted including recommendations. Resolution and motion adopted specifying disposal as preferred option for LLRW management during the interim period and calling on South Carolina to keep Barnwell open.
- June 4, 1991 **Fees to be Raised Through Access Fees** (SECC Minutes, 6/4/91, p. 6)
Motion offered by Finance Committee approved to raise \$23 million through Access Fees to be collected beginning January 1, 1993 at the site utilized by the region.
- April 10, 1991 **State reports at SECC Meetings** (SECC Minutes, 4/10/91, p.4)
Policy established opportunity for states to report at SECC meetings on developments potentially bearing on compact issues.
- Task Force on Waste Management** (SECC Minutes, 4/10/91, p.4)
Motion passed to appoint task force to study issue of regional waste management during interim period.
- Request for Assurance from North Carolina** (SECC Minutes, 4/10/91, p. 6)
Motion passed that the "Commission be provided adequate assurance from the Authority and the Governor that North Carolina is giving priority to the project."
- November 15, 1990 **Establishment of \$12M Access Fees for Collection 1/1/91-12/31/92** (SECC Minutes, 11/15/90, p.5 and 8/21/90 Memo)
In accordance with Section IIIB, required states to establish mechanisms for assessing fees on their own generators, or to assess and collect fee from all generators based upon volumes. Further clarified that access fee authorization does not constitute a commitment on behalf of the states.
- Evaluation of NCLLRW Management Authority's Costs** (SECC Minutes, 11/15/90, p. 6)
Motion approved to obtain a professional services contract with Ernst & Young for a diagnostic evaluation of the expenditures of the NC Low-Level Radioactive Waste Management Authority.
- August 23, 1990 **Resolution to Establish Access Fee** (SECC Minutes, 8/23/90 p. 6 & 7)
Recognizing that additional revenues will be necessary to assure progress with the regional disposal facility project in North Carolina, the Commission authorized the Finance Committee to develop a procedure for collection of an access fee.
- April 5, 1990 **Administrative Sanctions Procedure** (SECC Minutes, 4/5/90, p.4)
Procedure adopted to resolve grievances among member states. Established protocol for sanctions procedure.

Enforcement of Penalties for Violation of Any Provisions of Compact (SECC Minutes, 4/5/90, p.4)

The Compact Commission will direct each party state, as provided by Article 8A, consistent with its own laws, to prescribe and enforce penalties against any person not an official of another state for violation of any provisions of this compact.

"To be included shall be an export ban against disposal of any low-level radioactive waste generated in the southeast region, unless the waste is accompanied by written certification that it is not acceptable at the then regional facility."

October 24, 1989

Establishment of Capacity Assurance Charge (SECC Minutes, 10/24/89,p.4-5) (Summary Description, Procedure for Collection, and Procedure for Expenditure of Funds,) Commission approved the development of a site development charge for the purpose of repayment of a Capacity Assurance Charge and directed the Finance Committee to proceed with the development of a methodology for its implementation.

Capacity Assurance Charge was adopted, "To assure the timely development of the second regional disposal facility in North Carolina by furnishing additional funds to the Southeast Compact Commission for utilization by the NC Low-Level Radioactive Waste Management Authority. These funds will go to support the licensing phase of North Carolina's site development. In this phase a site will be selected and a license to build and operate the facility will be obtained. This will assure the availability of a site for all southeast generators and thus this fee is a future disposal capacity assurance charge." Projected charges would yield \$9 million per year based upon 450,000 cubic feet at \$20/cubic foot.

Judgment of Compliance with Milestones in Low-Level Waste Policy Amendments Act (SECC Minutes, 10/24/89, p.6)

Commission deferred to South Carolina's judgment on the enforcement of milestones in the Low-Level Waste Policy Amendments Act as regards access to the regional facility but reserved any independent authority the Commission might have for the future assessment.

May 12, 1989

Support of North Carolina (SECC Minutes, 5/12/89, p.6)

"The Southeast Compact Commission [shall] support the North Carolina efforts to develop the data needed by North Carolina to pursue development of the low-level waste site."

NRC as Lead Agency for Management and Disposal of Mixed Waste (SECC Minutes, 5/12/89, p.8)

The Southeast Compact Commission stated its position that the Nuclear Regulatory Commission should be designated the lead agency for the management and disposal of mixed waste.

February 9, 1988

Amendment to By-Laws - Withdrawal of Membership (SECC Minutes, 2/9/88, p. 4)

Commission voted unanimously to amend Section 6 of Article IV to read as follows and to get the effective date when the Compact amendments are consented to by Congress:

"Section 6. Withdrawal of Membership. Any party state may withdraw from this Compact pursuant to Article 7(G) of the Compact, provided that such right to withdraw shall terminate 30 days following the commencement of operation of the second host state disposal facility. Thereafter a party state may withdraw only with the unanimous approval of the Commission and with the consent of Congress. For purposes of this section, the low-level radioactive waste disposal

facility located in Barnwell County, South Carolina shall be considered the first host state disposal facility."

Host States Assistance Fund (Resolution adopted at the 2/9/88 meeting of the Southeast Compact) (Motion Rescinded – SECC Minutes 2/24/06)

By unanimous vote, the Commission adopted the establishment of a trust fund to be composed of a \$200,000 annual appropriation to the Commission's annual budget, which began with the inclusion of \$200,000 in the 1986-87 Commission Budget, to "assist any state, duly designated as the next host state, with the financial costs and burdens associated with the preliminary planning, the administrative preparation, and other pre-operational costs arising out of that state's obligation to create and operate a regional facility in accordance with Article 3 of the Compact."

September 25, 1987

Next Host State Selection (SECC Minutes, 9/25/87, p. 4 & 5)

By unanimous vote, the technical criteria as used in the second host state selection process would continue to be used with the following changes:

1. The definition of potentially suitable area be reviewed prior to the start of the data collection to assure that the then requirements for disposal are met.
2. The waste volumes be projected by individual class of waste with the selection of a specific date(s) for waste projection and specific data from which to make the projections.
3. The data for all criteria should be the most current available at a fixed date.

By unanimous vote, the Commission adopted the following recommendations and instructed the Host State Identification Committee to proceed to establish deadlines for identifying a third host state with the procedures document.

1. The Commission shall identify a subsequent host state.
2. The Commission shall use the general three-tract "Procedures for Identifying Host States" with modification to schedule.
3. The Commission shall need to employ a contractor during implementation of host state identification process.

(Rescinded – SECC Minutes 2/24/06)

By unanimous vote, in response to a request from Governor James Martin (NC), the Commission decided that: Identification of the third host state shall occur ten years or more prior to the opening of a regional disposal facility in a third host state. This would be an outer boundary and would not preclude an earlier host state identification decision.

Resolution to Recommend Amendments to Compact Legislation (SECC Minutes, 9/25/87, p. 5-6)

On a recommendation presented by NC, the following motion was approved: The Southeast Compact Commission requests and recommends that the legislature of each party state amend its compact legislation, not later than December 31, 1988 in the following respects, said amendments thereafter to be submitted to the Congress of the United States for its consent not later than 31 December 1992, as follows:

1. Amend Article 5 by adding a new section to read:
"E. No party state shall be required to operate a regional facility longer than a 20-year period, or to dispose of more than 32,000,000 cubic feet of low-level radio-active waste, whichever event occurs first.";
2. Amend section (G) of Article 7 by rewriting the first sentence thereof to read:
"G. Subject to the provisions of Article 7(H), any party state may withdraw from this compact by enacting a law repealing the compact, provided that if a regional facility is located within such state, such regional facility shall remain

available to the region for four years after the date the Commission receives verification in writing from the Governor or such party state of the rescission of the compact.";

3. Amend Article 7 by adding a new section (H) to read:
"H. The right of a party state to withdraw pursuant to Article 7(G) shall terminate thirty days following the commencement of operation of the second host state disposal facility. Thereafter a party state may withdraw only with the consent of Congress. for purposes of this section, the low-level radioactive waste disposal facility located in Barnwell County, South Carolina shall be considered the first host state disposal facility."; and
4. Redesignate the present Article 7(H) as Article 7(I).

March 26, 1987

Revised "Plan for the Safe Disposal of Low-Level Radioactive Wastes in the Southeast Region" adopted 10/19/85 (SECC Minutes, 3/26/87, p. 5).

A motion was approved to amend Article II by adding the following new subsection "f" to Section 1:

F. Shall be required to operate for no longer than a 20-year period or until it has disposed of no more than 32,000,000 cubic feet of low-level radioactive waste, whichever event occurs first; these specifications provided in subsection "f" cannot be modified or repealed without unanimous vote of the Commission.

Next Host State Selection (SECC Minutes, 3/26/87, p.8)

By unanimous vote, the Commission decided to reaffirm the timetables that are set in the Management Plan as the current schedule for designating the next host state. (Note: the "Plan for the Safe Disposal of Low-Level Radioactive Wastes in the Southeast" states that the Commission must select another host state for a disposal site at least 7 years prior to the scheduled closing of the regional disposal facility.)

January 27, 1987

Non-Party States' Disposal of Waste at Barnwell (SECC Minutes, 1/27/87, p.4) (In effect until Import Policy adopted 5/14/92)

Commission authorized access to the regional facility in Barnwell, South Carolina, for applicable low-level waste generated in non-party states, in an amount equal to the difference between the amount of waste annually received at the regional facility from generators in party states and the total amount of waste which the facility is authorized by the host state to receive on an annual basis.

November 21, 1986

Contractual Agreements Regarding Disposal of Waste from Non-Party States (SECC Minutes, 11/21/86, p.4)

Commission adopted a policy not to consider contractual agreements regarding disposal of waste from non-party states.

Applications for Compact Membership (SECC Minutes, 11/21/86, p.5) (Motion Rescinded – SECC Minutes 2/24/06)

"Unless a potential party state volunteers to become the host state succeeding South Carolina, the Compact Commission will consider no applications for compact membership."

September 11, 1986

North Carolina Designated as Next Host State (SECC Minutes, 9/11/86, p.8)

"Section VI (B) of the Commission's adopted Procedures for Identifying the Next Host State provides that the states will be considered in the order of their technical rankings." It was formally moved and passed that the State of North Carolina, being ranked numerically first, be designated as the next host state for a low-level radioactive waste repository.

- April 3, 1986 **Procedure for Certification to Export Waste from the Southeast Region** (SECC Minutes, 4/3/86, p. 5)
Administrative procedure established for export of waste from the Southeast Region.
- Host State Identification Study Adopted** (SECC Minutes, 4/3/86, p. 4)
Commission adopted the "Host State Identification Study" developed by Dames and Moore, which assigned scores to each of the eligible states according to ten technical criteria.
- January 17, 1986 **Waste Importation for January 1,1986 - December 31, 1986** (SECC Minutes, 1/17/86, p.3)
"The Southeast Interstate Low-Level Radioactive Waste Commission hereby authorizes access to the regional facility in Barnwell, South Carolina, for applicable low-level waste generated in nonparty states for the period January 1 to December 31, 1986, in an amount equal to the difference between the amount of waste received at the regional facility from generators in party states and the total amount of waste which the facility is authorized by the host state to receive during the period January 1 to December 31, 1986."
- Exportation of Waste Banned** (SECC Minutes, 1/17/86, p.3)(**Overridden 8/22/95**)
Commission voted to "ban the exportation of waste for disposal generated in the Southeast by party states which meets the licensing requirements in the Regional Facility or which could meet such requirements through processing by available methods, effective March 1, 1986."
- December 2, 1985 **Revision of Technical Criteria for Tract Designation Adopted 4/26/85** (SECC Minutes, 12/2/85, p. 2)
Commission amended the list of technical criteria adopted in April, 1985 for tract designation to be used in host state identification process. The new criteria are as follows:
- amount of potentially suitable area (PSA);
 - volume of A waste generated;
 - volume of B waste generated;
 - volume of C waste generated;
 - transportation distances from LLRW generators for A waste;
 - transportation distances from LLRW generators for B waste;
 - transportation distances from LLRW generators for C waste;
 - density of transportation systems in PSA's;
 - population density of PSA's; and
 - meteorology of PSA's.
- Amendment of Weighting Method** (SECC Minutes, 12/2/85, p. 3)
Commission amended step 3 in the method adopted on October 29, 1985 for the purpose of weighting the technical criteria to read as follows:
"Step 3: Participants distribute points to each criteria on a scale of 0 to 100, the larger number being the most important, such that the total comes to exactly 100. Participants sign the ballot before a notary public and submit the form for tallying."
- October 29, 1985 **Method Used in Weighting Technical Criteria for Host State Designation** (SECC Minutes, 10/29/85, p.5)
Methodology for Weighting Technical Criteria to identify the next Host State was adopted.

A Plan for the Safe Disposal of Low-Level Radioactive Wastes in the Southeast Region (SECC Minutes, 10/29/85, p.2) **Revised on 3/26/87**
Plan for safe disposal of LLRW wastes adopted.

April 26, 1985

Goals for Public Participation and Recommended Strategies (SECC Minutes, 4/26/85, p. 4 and Attachment)
Goals for public participation established.

Criteria for Tract Designation in Host State Process (SECC Minutes, 4/26/85, p. 3) **Revised 12/2/85**

The following list of criteria were adopted to be used in the designation tract of the host state identification process, reserving the right to modify the criteria later:

- amount of potentially suitable land;
- volume of waste generated in each state;
- transportation distances;
- transportation systems;
- population density in potential disposal areas;
- weather conditions; and
- the volume of wastes by Type A, B, or C.

December 7, 1984

Public Participation Plan (SECC Minutes, 12/7/84, p. 3)

Motion adopted that established parameters for a Commission public relations effort. It specified that a plan for an organized public relations effort would consist of two phases. Phase One would include immediate rotation of Commission meetings, informal discussion sessions with citizen leaders, research about key groups and individuals in each state, and the formulation of goals and objectives by a Public Relations Committee of the Commission. The cost of Phase One was estimated at \$4,000. Phase Two would include implementation of the goals and objectives by the entire Commission and staff. The cost of Phase Two would be determined by the Public Participation Committee.

September 21, 1984

Bidding Process (SECC Minutes, 9/21/84, p.2)

Established a requirement for requiring competitive bidding for any Commission purchase over \$2,000.

Travel Policies (SECC Minutes, 9/21/84, p.2)

Adopted travel policies developed by the Finance Committee for controlling the cost of travel expenses.

"To establish parameters for reimbursement of travel expenses to staff, commissioners, alternate commissioners and advisory members in keeping with tax laws, accepted business practice and federal per diem guidelines. To document travel costs with a minimum of paperwork and processing time. It was intended that two representatives from each state were entitled to travel reimbursement for each meeting."

Inventory Maintenance (SECC Minutes, 9/21/84, p.2)

Inventory of capital equipment, furniture, etc. must be maintained.

August 17, 1984

Procedure for Host State Identification (SECC Minutes, 8/17/84, p. 3)

Commission voted to approve the "Procedures for Identifying Host States." States were encouraged to volunteer. If no state volunteered, the Commission would designate a host state.

Release of Information (SECC Minutes, 8/17/84, p.2)

Established that the Commission office would be in charge of handling all requests for information and media relations and inquiries will be referred to

individual commissioners as appropriate. All information of factual nature, i.e., reports adopted by the Commission, will be considered "public information," available upon request.

- February 24, 1984 **Request for Proposal Submitted** (SECC Minutes, 2/24/84, p. 3)
Commission approved a Request for Proposal (RFP) for a study to project regional waste management needs, the number and type of facilities to meet the need, and criteria and procedures for siting the needed facilities.
- January 6, 1984 **Adoption of By-Laws and Commission Seal** (SECC Minutes, 1/6/84, p.2)
Commission By-Laws and Commission Seal were adopted.
- Search for Executive Director** (SECC Minutes, 1/6/84, p.2)
Motion adopted to begin national search for Executive Director.
- November 29, 1983 **Check Signature** (SECC Minutes, 11/29/83, p.2)
"The Commission authorizes only one officer to sign checks in an amount not exceeding \$5,000.00. In support of this motion, the Commission temporarily adopted item 32 of the by-laws, which addresses the responsibility for signing Commission checks and drafts."
- September 20, 1983 **Travel Expenses** (SECC Minutes, 9/20/83, p.2)
"All legitimate travel expenses of the commissioners, or alternates when acting as commissioners, are paid out of Southeast LLW Commission funds. This action would be retroactive to July 21, 1983, and the following conditions are suggested:
- the Commission will not pay the travel expenses of more than 2 commissioners or alternates per state.
 - travel by automobile will be reimbursed at a rate of \$.20 per mile.
 - air travel should be limited to coach class unless extenuating circumstances require an upgraded class. In such a case, the approval of the Commission officers is required.
 - the expenses incurred for meals and lodging must be reasonable." (The Internal Revenue Service allowable will be added.)
- July 21, 1983 **Committees to Develop Staffing Arrangements, By-Laws and Work Plan** (SECC Minutes, July 21, 1983, p. 3-6)
A motion that a committee of five members be appointed to develop and recommend staff arrangements and a separate committee to develop the by-laws and a work plan.
- Southern States Energy Board to Provide Assistance** (SECC Minutes, July 21, 1983, p. 3)
The Southern States Energy Board was requested to provide clerical and administrative assistance until next Commission meeting.
- Adoption of Draft Congressional Consent Bill of SECC** (SECC Minutes, July 21, 1983, p. 4)
Commission approved the Draft Congressional Consent Bill of the Southeast Interstate Low-Level Radioactive Waste Management Compact, urged its introduction in Congress, and urged Congress to give expeditious consent to the Compact.
- Motion to Bond Officers** (SECC Minutes, July 21, 1983, p. 12)
Motion was made to bond commission officers for \$200,000.