

BYLAWS OF THE  
ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

MARCH 18, 1996

ARTICLE I

THE BOARD

Section 1. Basis and Purpose

The Rocky Mountain Low-level Radioactive Waste Board ("the Board") is established by and will conduct its affairs pursuant to the provisions of the Rocky Mountain Low-Level Radioactive Waste Compact ("the Compact"). The Board is charged under the Compact with the development of a cooperative program for the management of low-level radioactive wastes generated within the region; to ensure the availability and economic viability of sufficient facilities for the proper and efficient management of such low-level radioactive wastes while preventing unnecessary and uneconomic proliferation of such facility; to encourage the reduction of the volume of such wastes requiring disposal within the region; to restrict management within the region of low-level radioactive waste generated outside the region; to distribute equitably the costs and benefits of this management system among the party states; and by these means to promote the health, safety, and welfare of the residents of the region.

Section 2. Membership

The "eligible states" are Arizona, Colorado, Nevada, New Mexico, Utah, Wyoming, and any other states made eligible by the unanimous consent of all the Board members. The "Party states" shall be those states that are eligible and that have joined the Compact as required. The "region" is the combined geographic area within the boundaries of all the party states. The Board shall consist of one member of each party states and shall not be an agency or instrumentality of any state. Each party state shall appoint its representative and may provide for alternate representative in accordance with its own laws and policies.

Section 3. Voting

Each party state is entitled to one vote and a majority of all the Board members must vote in support of any action to be taken by the Board, except that:

- a) the eligibility of additional states to become parties to this Compact shall require unanimous consent of the Board members;
- b) a party state may be excluded from further participation in activities conducted under the Compact by a two-thirds vote of all the Board members;
- c) the exclusion of a former party state from participation in activities conducted under this Compact may be terminated by a two-thirds vote of all the Boards members;

- d) the Board may take actions by telephone under special circumstances, but only by unanimous consent of all the Board members confirmed in writing within thirty days of the Board meeting; and
- e) any decision to intervene in any administrative or judicial proceeding shall required unanimous consent of the Board members.

#### Section 4. Officers of the Board

The Board shall elect from its members a chairperson and vice-chairperson to serve a one-year term beginning on July 1 of each year and ending on June 30th of the following year. Officers shall be elected at the annual meeting of the Board. The chairperson shall prepare the agenda for all meetings of the Board and shall place on the agenda any subject requested by a Board member. The chairperson may vote at any meeting of the Board. The vice-chairperson shall serve as secretary and treasurer. Either officer may resign at any time upon written notice to the executive director. A vacancy occurring in either office for any cause shall be filled for the unexpired term by the Board at a regular, special or telephonic meeting.

## ARTICLE II

### BOARD MEETINGS

#### Section 1. Regular Meetings

Regular meetings may be called by the chairperson or at the request of at least one-half of the Board members. Prior to the holding of a regular Board meeting, not less than twenty-one days public notice shall be given, containing the date, time and place of the meeting to be held. The agenda for the meeting shall be included in the public notice. Public notice shall be provided by the executive director to persons requesting notification and to at least one newspaper of general circulation in each of the party states. The Board may take the following actions at a regular or annual meeting:

- a) direct a state to prepare an Application for Approval of Regional Facility pursuant to Rule 2.4;
- b) approve or deny an Application for Approval of Regional Facility pursuant to Rule 3.3;
- c) determine the Compact Surcharge pursuant to Rule 4.1;
- d) approve or deny Host State Surcharges pursuant to Rule 4.3;

- e) approve or deny Region Facility Charges pursuant to Rule 4.5;
- f) adopt or modify rules other than emergency or temporary rules adopted pursuant to Article V, Section 3 of these Bylaws;
- g) modify the Bylaws of the Board; and
- h) approve or deny nonparty state's petitions for eligibility in the Compact.

#### Section 2. Special Meetings

Special meetings may be called by the Board chairperson or by two-thirds of the Board members. Notice of the meeting, as is reasonable under the circumstances, shall be given to the public. Any actions not specifically prescribed to take place in a regular meeting pursuant to Section 1 of these bylaws may be taken at a special meeting.

#### Section 3. Annual Meeting

The annual meeting of the Board shall be held prior to July 1 of each year for the purposes of electing officers and adopting a budget for the following fiscal year. Not less than thirty days public notice shall be given prior to holding the annual meeting. The notice shall contain the date, time and place of the meeting, and the agenda for the meeting. Any action, which may be taken at a regular meeting, may be taken at the annual meeting.

#### Section 4. Telephone Meetings

Members of the Board may participate in a meeting of the Board by means of telephone conference in which all persons participating in the meeting can hear each other at the same time. Such telephonic meetings shall be limited to special circumstances, and any action taken at such meeting shall be confirmed by each Board member in writing within thirty days of the meeting. All actions taken at telephonic meetings shall be unanimous to be effective; provided that if all members of the Board are unable to participate in a telephonic meeting, any Board member who did not participate in the telephonic meeting may, by facsimile or mail, ratify unanimous actions taken by the other Board members within forty-eight hours of the meeting. Any action taken by telephone shall be noted in the minutes of the Board. At the discretion of the chairperson, prior public notice, reasonable under the circumstances, may be given. Any action taken by telephone shall be included in the agenda of the next regular Board meeting in order to receive public comment.

#### Section 5. Agenda

Agenda of all regular and annual meetings of the Board shall be mailed to each of the Board members and to the operator of each regional facility. Agenda of special and telephonic meeting shall be mailed to Board members and the operator of a regional facility if it is reasonable under the circumstances.

#### Section 6. Place of Meetings

All meetings of the Board, except telephonic meetings, shall be held at any location within the region, which the Board determines to be reasonably convenient for the attendance of persons interested in the affairs of the Board.

#### Section 7. Attendance by Public

All meetings of the Board, except executive sessions, shall be open to the public. Executive sessions shall be held when the Board seeks legal advice from its attorney and when the Board discusses the employment, discipline, or termination of any of its employees. The Board may also meet in executive session to deliberate when acting in a quasi-judicial capacity, including a rate-reviewing capacity.

Any person seeking to address the Board at a regular, special, or annual meeting may do so. The amount of time, which the person has to address the Board at regular, special, or annual meetings, may be limited by the chairperson. Unless otherwise ordered by the Board, written comments may be submitted to the Board by any person at any time.

Nothing in the Article shall be construed to prohibit the Board from deliberating in executive session and issuing a written decision following a hearing in which the Board has been acting in quasi-judicial capacity.

#### Section 8. Minutes

Minutes of the meetings of the Board shall be prepared by the vice-chairperson or in the vice-chairperson's absence by a person appointed by the chairperson and distributed to each member of the Board within thirty days of the Board meeting. The minutes shall be approved and adopted at the next regular, special or annual meeting of the Board.

### Section 9. Actions Taken Without a Meeting

The Board may, without holding a meeting, act on any application for authorization to export waste from the region pursuant to article 7b of the compact, under the following conditions:

1. The executive director has, by facsimile or mail, sent each Board member a copy of the application; and
2. The executive director has received a written statement, whether by facsimile or mail, from each Board member certifying that the Board member has reviewed the application; that the Board member does not feel that a Board meeting is required to be able to consider it; and that having considered the factors set forth in the compact and the Board's rules, the Board member votes to approve the application. All actions taken without a meeting must be unanimous to be effective.

If any Board member does not vote to approve an application pursuant to this section 9, then the application shall be considered by the Board at a regular or telephonic Board meeting. Any action taken by without a meeting shall be noted in the minutes of the Board. Any action taken without a meeting shall be included in the agenda of the next regular Board meeting in order to receive public comment.

## ARTICLE III

### ANNUAL REPORT AND ACCOUNTING

#### Section 1. Annual Audit

The Board shall have an audit of its books conducted annually by an independent certified public accountant selected by the Board.

#### Section 2. Annual Report

The Board shall prepare and submit an annual report to the governor and presiding legislative officers of each party state on or before December 15 of each year. The annual report of the Board shall include, but not be limited to, the certified audit, a budget for the ensuing year, and a summary of the source, nature, amount, and the conditions of acceptance of any resources loaned, donated, or granted to the Board since the previous annual report.

## ARTICLE IV

### STAFF

#### Section 1. Executive Director

The Board shall appoint an executive director who shall serve at the pleasure of the Board.

#### Section 2. Powers and Duties of the Executive Director

The executive director shall present a report at each meeting of his/her actions taken in behalf of the Board, propose an annual budget for consideration by the Board, and shall have the following additional powers and duties:

- a) To contract for necessary services and employ such staff as necessary to carry out the duties of the Board, consistent with available funds and the budget approved by the Board. Staff shall be employed without regard to the personnel, civil service, or merit system laws of any of the party states and shall serve at the pleasure of the executive director;
- b) To pay the necessary travel and reasonable perdiem expenses of Board members, alternates, advisory committee members, and staff from the funds of the Board;
- c) To sign checks within limits set by the Board;
- d) To prepare a recommendation of the Board regarding its decisions to approve or disapprove proposed regional facilities;
- e) To keep a current inventory of (1) all generators within the region of state waste which is managed at a licensed facility at which the waste is generated and (2) all regional facilities. The inventory shall include information on the location, capacity, specific wastes accepted, and estimates of useful capacity remaining in each regional facility;
- f) To develop and maintain projections of the future waste management requirements and capacities of regional facilities in the party states;
- g) To develop and maintain contingency plans for Board adoption in cooperation with the party states for the management of low-level waste in event any regional facility

should be closed;

- h) To examine, as necessary, all records pertaining to operating costs, assessment or collection of fees, charges, or surcharges of any operator of any regional disposal facility;
- i) To develop a regional plan for low-level waste management for Board adoption;
- j) To assemble and make available information concerning low-level waste management needs, problems, and technologies;
- k) To keep an accurate account of the receipts and disbursements made by or on behalf of the Board;
- l) To accept grants and donations and to execute contracts; and
- m) Other duties specifically delegated by the Board.

## ARTICLE V

### MISCELLANEOUS

#### Section 1. Fiscal Calendar

The fiscal year of the Board shall begin on the first day of July of each year and end on the last day of June of the following year.

#### Section 2. Rules of the Board

The Board shall adopt and publish such rules regarding its organization and procedures, as it deems necessary to facilitate the administration of the Compact. Unless otherwise specified in the Rule, all rules shall become effective immediately upon their adoption.

#### Section 3. Temporary or Emergency Rules

The Board may adopt temporary or emergency rules regarding its organization and procedures at any Board meeting. No temporary or emergency rule may be adopted except upon a finding that special circumstances exist making the immediate adoption of the rule imperatively necessary to the public interest. A temporary or emergency rule shall become effective on adoption or at such later date as is

stated in the rule and shall have effect for not more than ninety days from the adoption thereof unless made permanent at a regular Board meeting.

#### Section 4. Indemnity

The Board shall purchase and maintain insurance against civil and administrative liabilities, expenses, and losses (including attorney's fees, judgments, and amount paid or to be paid in settlement) reasonably incurred by the Board or any person who is or has served as a member of the Board, its executive director, its employee or agent in connection with and as a result of actions within the scope of his/her duties under the Compact. The Board shall not be obligated to indemnify any person who is or has served as a member of the Board, its executive director, its employee or agent other than through the purchase of such insurance.

#### Section 5. Seal

The Board shall have a seal, which shall have inscribed on it "Rocky Mountain Low-Level Radioactive Waste Board." The seal may be used by causing it or a facsimile thereof to be impressed, affixed, or in any other manner reproduced.

#### Section 6. Authorization for Checks

All checks of the Board in excess of limits set by the Board must be signed by two of the following: the chairperson, the vice-chairperson, or the executive director.

#### Section 7. Conflict of Interest

No member of the Board or employee of the Board shall participate in any decision or action of the Board if he/she or any member of his/her immediate family has a financial interest in the outcome of the decision or action, except as authorized by the Board after full disclosure by the affected Board member or employee.

#### Section 8. Amendment Procedure

These Bylaws and the Rules of the Rocky Mountain Low-Level Radioactive Waste Board may be amended by a majority of all the Board members.