MINUTES

APPALACHIAN STATES LOW-LEVEL
RADIOACTIVE WASTE COMMISSION ANNUAL MEETING

October 31, 2013

CALL TO ORDER

In the absence of the chair and the vice-chair, Mr. Allard was voted unanimously as chairman pro tem and called the meeting to order at about 10:23 AM.

INTRODUCTION AND ROLL CALL

There was a roll call, and the members introduced themselves. The attendees are listed below:

Members and Alternates

- Dave Allard, Alternate Member from Pennsylvania
- Ashok Khare, Alternate from Pennsylvania
- Martin Raniowski, Alternate from Pennsylvania
- Edward Hammerberg, Alternate from Maryland
- Clifford Mitchell, Alternate from Maryland
- Frieda Fisher-Tyler, Alternate from Delaware
- Everett DeWhitt, Alternate from Delaware
- Michael Dorsey, Alternate from West Virginia (Via Telephone)

Commission Staff

- Rich Janati, Administrator, PA DEP
- Timothy Anderson, Esquire, Pepper Hamilton

Others Present

- James Barnhart, PA DEP
- Dave Ralicki, PA DEP
- Martin Felion, PA DEP
- Cheryl Miller Laatsch, PA DEP
- Brian Thomson, PA DOT
- Matthew Smith, WV DEP

ADOPTION OR MODIFICATION OF THE AGENDA

There were no modifications to the proposed meeting agenda.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Mr. Allard asked if any member had any modifications, changes or clarifications with regard to the minutes of the November 2, 2012 annual meeting. There were no comments and the Commission voted to approve the minutes unanimously.

REPORT OF THE CHAIRMAN AND EXECUTIVE DIRECTOR

Treasurer's Report

Mr. Janati discussed the Treasurer's Report, which is a statement of revenues and expenditures for fiscal year 2012-2013. Revenue sources for the Commission consist of interest income from the Operating Fund and checking account. The Operating Fund is invested by the Pennsylvania Treasury Department under the INVEST Program. Interest from the Operating Fund was $141, which is $159 less than the projected amount of $300. Actual expenses for this period totaled $26,075, which is lower than the budgeted amount by $2125. Mr. Janati said the Commission's expenditures exceeded its revenues by $25,934. He also said at the current rate of expenditures, the balance in the Operating Fund would last about eight to ten years. Mr. Janati said the money in the Restricted Fund that the Commission received from the Department of Energy (DOE) can only be used for siting the regional low-level radioactive waste (LLRW) disposal facility in PA. Mr. Anderson said the Commission is no longer collecting fees from party states, but this option is available, if needed. Mr. Janati said the collection of fees ended following the suspension of the LLRW siting process in December of 1998.

Mr. Janati explained individual items listed under the Commission expenditures, including the insurance premium for the Commission staff who have access to the Commission funds. Mr. Khare asked if this includes E&O (errors and omission) insurance. Mr. Janati said it does not. Mr. Anderson said it is a fidelity bond for handling funds. Mr. Khare asked if the Commission members are indemnified by the state. Mr. Anderson said the Commission members are all employed by various states and are representatives of those states on the Commission. As it relates to personal liability, he said they are subject to their respective state laws. Mr. Khare asked if the Commission members from PA are indemnified by PA. Mr. Anderson said he does not know the answer, but he will take an action to look at the personal liabilities.

Review of Independent Auditor's Report for FY 2012-13

Mr. Janati discussed the Independent Auditor's Report for fiscal year 2012-2013. The audit was conducted by Greenawalt and Company in accordance with the Government Auditing Standards, and included a review of the Commission's internal control structure, its laws and regulations. The audit concluded that there were no items of non-compliance or negative findings.

The balance sheet reflects the Commission's assets, consisting of "cash" and "investments." The cash reflects the balance in the checking account at Citizens Bank, which was $9602 at the end of June 2013. The Commission's total net assets were $2,918,844 at the end of June 30, 2013. The balance sheet also reflects that the Commission's assets are divided into three distinct funds.

- The Unappropriated Fund is the same as the checking account with Citizens Bank.

- The Appropriated Fund consists of funds appropriated to pay for activities such as project restart, fiscal stabilization, and legal fees. As of June 30, 2013 the Appropriated Fund had a balance of $235,879.

- The Surcharge Fund is the money Commission received from the DOE as part of incentives paid to the states for meeting certain site development milestones for the LLRW regional disposal facility in PA. As of June 30, 2013 this fund had a balance of $2,673,363.

The audit report pointed out that the Commission was not involved in any litigation that could adversely affect its financial position.

Mr. Anderson said it is clear that the Commission would have to re-appropriate funds from the restart fund into the fiscal stabilization fund if we are going to operate on savings rather than dues. He also said there is no legal impediment to that. Mr. Janati said he does not expect a project restart in the near future.

Mr. Khare suggested that the Commission give authorization to tap into the restart fund. Mr. Allard said the Commission should discuss this further and take actions as appropriate under New Business.

Mr. Hammerberg inquired about Commission funds in the Surcharge Fund. He asked if reallocation of funds from the Surcharge Fund into the Operating Fund would require approval from the DOE. He also asked if other compacts have done this in the past. Mr. Janati said he is not aware of any other regional compact that has approached the DOE about this. Mr. Anderson said the Commission's terms of settlement with the DOE do not address this issue. Mr. Allard suggested that the Commission inform the DOE of any future plans for reallocation of funds from the Surcharge Fund into the Operating Fund. The Commission decided to discuss this issue further under New Business.

Status of LLRW Disposal Facilities and Recent Developments

Mr. Janati provided an overview of the formation of the regional compacts and discussed the status of the commercial LLRW disposal facilities.

He explained there are currently four commercial LLRW disposal facilities in the United States. These facilities are Barnwell in South Carolina, the EnergySolutions facility in Utah, Richland in Washington and the new Waste Control Specialists (WCS) facility in Texas.

The Barnwell facility accepts all classes of LLRW from the three members of the Atlantic Compact (Connecticut, New Jersey and South Carolina). As of July 1, 2008, this facility no longer accepts LLRW from outside the Atlantic Compact.

The EnergySolutions Clive facility accepts Class A waste from all states except those in the Northwest and Rocky Mountain Compacts. This facility is not a regional facility, and it is regulated by the State of Utah. In April of 2012, the State of Utah approved a variance request for the disposal of Class A sealed sources at this facility. The variance will have a term of one year from the date the first shipment is received at the Clive facility and will be partially funded by the Conference of Radiation Control Program Directors (CRCPD). Only Class A radioactive sealed sources recovered as part of a round-up coordinated by the CRCPD Source Collection and Threat Reduction (SCATR) Program are authorized for disposal at the Clive facility. The sealed sources will be limited to Class A waste, and the half-lives of the isotopes in the sources to be disposed of should be equal to the half-life of Cs-137 or less. Mr. Janati said under the SCATR Program, a pilot project for collection of Class A, B and C sealed sources began in July of 2013 involving the four states of Illinois, New York, Ohio and Indiana. The first shipment of sealed sources was received at the EnergySolutions facility on September 30, 2013. Mr. Janati said the PA DEP issued two separate Information Notices to all radioactive materials licensees in PA informing them of disposal options for sealed sources at the EnergySolutions facility in Utah and the WCS facility in Texas.

The Richland facility is a regional facility and accepts all classes of LLRW, but only from the member states of the Northwest and Rocky Mountain Compacts. This facility continues to accept radium sources from the Appalachian Compact and other states and compacts.

The WCS facility is a regional facility for the Texas Compact (Texas and Vermont) and accepts all classes of LLRW (Class A, B and C wastes) from both commercial and federal facilities. In April 2012, the Texas Commission on Environmental Quality (TCEQ) authorized WCS to accept waste and begin disposal activity including collection and disposal of sealed sources. Additionally, the Texas Compact Commission has established rules for the importation and exportation of LLRW into and out of the Texas region. Mr. Janati stated that the current facility license limits disposal of out-of-region waste to a maximum of 30 percent of the total facility volume. Also, LLRW from international origins will not be accepted for disposal at the WCS facility. The facility is able to receive and dispose of large components as non-containerized waste, and transportation is authorized by highway or rail. The facility has received approval to remove the current annual limit on the volume of imported waste and to increase the annual limit on curie for imported waste from 120,000 to 275,000 curies.

Mr. Janati said this is a significant development considering that since July of 2008 (closure of the Barnwell disposal facility to waste from outside the Atlantic Compact), the LLRW generators in the Appalachian Compact have not been able to dispose of their Class B and C wastes due to lack of disposal options. He said the other positive development is that the compact generators now have access to disposal for sealed sources under the SCATR Program. Mr. Janati also provided an overview of a report by the Texas Commission on Environmental Quality (TCEQ), "Capacity Report for Low-Level Radioactive Waste: A Report to the Texas Legislature." In 2011, The Texas Legislature charged the TCEQ with conducting "a study on the available

volume and curie capacity of the compact waste disposal facility (CWDF) for the disposal of party state compact waste and non-party compact waste." The TCEQ conducted a survey of approximately 200 LLRW generators within the Texas Compact to obtain volume and radioactivity projections for the CWDF. The CWDF was licensed in 2009 for 15 years until 2024 and has the possibility of two additional 10-year renewal periods until 2044. The original license established a volume limit of 2.31 million cubic feet (ft^3) and a radioactivity limit of 3.89 million curies (Ci). The study considered waste from decommissioning of the existing five nuclear power plants and the possible two new nuclear plants within the Texas Compact. Based on the information provided by the generators, it was determined that approximately 2.85 million ft^3 (this exceeds the current license limit) and 0.81 million Ci of combined operational and decommissioning waste will be generated by 2024, and approximately 5.223 million ft^3 and 1.736 million Ci of combined operational and decommissioning waste will be generated by 2044, from both utility and non-utility generators within the Texas Compact.

In summary, study results indicate that the WCS disposal facility could take significant curies of out-of-compact waste before impeding on space that is required to be reserved for waste from the Texas Compact generators under the current license conditions. Mr. Janati said it is important to point out that the projected volumes presented in the report are very conservative because they do not consider processing of the waste. He said processing of waste involves volume reduction techniques such as compaction, incineration and steam reforming that could result in substantial reduction in waste volumes depending on the technique used. The impact of volume reduction techniques on the LLRW generated in the Texas Compact, is that the Texas facility would be allowed to take additional waste from outside the Texas Compact or non-party states.

Mr. Anderson said it is important to point out that the Commission amended its definition of low-level waste (LLW) several years ago to ensure consistency with the new definition of LLW in the federal Energy Policy Act of 2005. He said the definition of LLW in our compact was never exactly identical to the definition in the federal Low-Level Radioactive Waste Policy Amendments Act because our compact definition was developed when the policy amendments act had not yet been adopted. The difference between the two definitions became significant after the enactment of the Energy Policy Act of 2005. He said since amending our compact is very cumbersome and it would have to be adopted by all four party states, the Commission adopted a resolution on the definition of LLW in our compact to ensure consistency with the federal definition. This is important because it is only LLW that the compacts have the authority to exclude from a regional facility under the federal act. Mr. Anderson said it is also important to point out that in the Appalachian Compact, the manifesting of waste materials for disposal is the act which establishes the final volume and curie content for the purpose of tracking and recordkeeping of waste. Mr. Janati confirmed that statement.

Information on LLRW Generation in the Appalachian Compact

Mr. Barnhart provided an overview of the LLRW classification system and discussed the 2012 waste disposal information for the Appalachian Compact (compact). He said the data was obtained directly from the EnergySolutions facility in Utah because the DOE's national database, the Manifest Information Management System (MIMS), had not yet been updated to reflect the 2012 waste disposal information. He stated that once the database is updated, it will also include

the 2012 waste disposal information from the WCS facility in Texas. Mr. Janati confirmed that statement.

During calendar year 2012, the compact generated about 134,841 ft^3 of Class A LLRW. The total radioactivity of this LLRW was about 451 Ci. Pennsylvania disposed of about 102,913 ft^3 or 76 percent of waste by volume, most of which was generated by the utility, government and industrial sectors. Maryland disposed of about 12,364 ft^3 of waste or approximately nine percent of total volume, most of which was generated by government and utilities. Delaware and West Virginia generated about 75 ft^3 and 21 ft^3, respectively. Mr. Barnhart also provided information on the radioactivity of Class A LLRW generated in the compact. Pennsylvania disposed of about 449 Ci or 99.5 percent of waste by radioactivity, most of which was generated by the nuclear utilities. Maryland generated about 2.13 Ci or 0.47 percent of waste by radioactivity. Delaware and West Virginia generated about 0.007 and 0.003 Ci, respectively. All Class A waste generated within the compact was shipped to the EnergySolutions disposal facility in Clive, Utah.

Mr. Barnhart provided a brief discussion of waste generation trends in the compact for the period of 1993 through 2012. Mr. Barnhart stated that on average, about 98 percent of LLRW by volume from the compact is being sent to the EnergySolutions facility for disposal. He also said the nuclear power plants in the compact generate about 98 percent of LLRW by radioactivity (or curie). He said the amount of waste that is generated by the nuclear power plants varies from year to year. The reason is that refueling outages at these facilities result in additional amounts of waste requiring disposal. Mr. Allard said Pennsylvania, being an old industrial state, has experienced a number of major cleanups, such as the one at the Quehanna facility. The cleanup activities generate significant amounts of low-activity waste. He said another example is the Safety Light facility. This is an old licensee and it is being cleaned up under the Superfund by the Environmental Protection Agency (EPA) Region 3, with technical assistance from the PA DEP. He said the clean up activities at these facilities generate significant amounts of low-activity waste, some of which are suitable for disposal at RCRA Subtitle C facilities (i.e., American Ecology facility in Idaho) under the NRC regulations in 10 CFR Part 20 (20.2002). He said this type of waste is not being tracked and reported as LLRW.

UNFINISHED BUSINESS

Update on NRC Low-Level Waste Program Activities

Mr. Janati provided an overview of the recent NRC Low-Level Waste Program activities as follows:

- Large-Scale Blending of Waste - In March 2011, the NRC issued guidance for reviewing large-scale blending of LLRW. This guidance should assist the NRC staff and Agreement States in making informed decisions regarding large-scale blending applications or requests from licensees. Mr. Janati stated that the concept of blending waste was discussed extensively at the previous meetings of the Commission. He also said that, as of now, the department has not received any applications for large-scale blending in PA.

- Storage of LLRW - In August 2011, the NRC issued a Regulatory Issue Summary (RIS 2011-09) associated with extended storage of LLRW to provide licensees with a consolidated list of available resources that will assist with the extended storage of LLRW. The RIS also provides a summary of the types of information contained in the listed resources.

- Volume Reduction Policy Statement - In May 2012, the NRC issued a revised Policy Statement on the Volume Reduction. The NRC recognizes that volume reduction is only one aspect of an effective program for managing LLRW. The revised policy statement encourages licensees to also consider other factors such as operational efficiency, reductions in occupational exposures, security, and costs in deciding how to best manage LLRW.

- Branch Technical Position (BTP) on Concentration Averaging - In June 2012, the NRC issued the revised BTP for public comment. One of the key revisions includes the NRC's new position on blending of waste. The BTP serves as guidance and contains acceptable methods for classifying various waste streams, or mixtures of these waste streams, for disposal in accordance with the NRC LLRW regulations in 10 CFR Part 61 (Licensing Requirements for Land Disposal of LLRW). The final BTP publication is expected by the end of December 2013 or in early 2014.

- 10 CFR Part 61 Rulemaking - Mr. Janati provided a discussion of Part 61, Subpart C requirements for land disposal of LLRW, specifically protection of the general population, protection of individuals from inadvertent intrusion, protection of individuals during operations, and stability of the disposal site after closure. Mr. Janati said the NRC is considering a rulemaking to revise Part 61 for several reasons including the emergence of potential waste streams not considered in the original Part 61 rulemaking, such as large quantities of depleted uranium, DOE's increasing use of commercial LLRW disposal facilities, and extensive international operating experience in the management of waste.

  Mr. Janati provided a summary of the proposed changes. He explained the NRC staff is proposing to require LLRW disposal licensees and license applicants to conduct updated and new site-specific technical analyses and to develop site-specific waste acceptance criteria. The site-specific technical analyses required by the proposed changes would include an updated analysis to demonstrate protection of the general population from releases of radioactivity (called performance assessment); a new analysis to demonstrate protection of inadvertent intruders (called an intruder assessment); and new performance period analyses to evaluate how the disposal facility could mitigate the risk from the disposal of long-lived LLRW after the expiration of the compliance period.

  Mr. Janati said the NRC staff is proposing a two-tiered approach for the proposed performance assessment analyses with a compliance period of 10,000 years and a performance period beyond 10,000 years. He said he is concerned that site-specific modeling for performance assessments could be complicated due to the uncertainties associated with the 10,000 year performance assessment period (i.e., the performance of

the disposal system). This could complicate the licensing process for new LLRW disposal facilities that only accept routine LLRW for disposal and are not expected to dispose of unique waste streams such as depleted uranium.

Mr. Janati said the NRC staff is also proposing a radiation dose limit of 500 mrem/yr for an inadvertent intruder. The current radiation dose limit for protection of the general public remains at 25 mrem/yr. The proposed changes would maintain the existing LLRW classification system (Class A, B, and C), but allow disposal facilities to consider facility design and site-specific characteristics to determine site-specific waste acceptance criteria for LLRW disposal at their site. Mr. Janati said the NRC Commission has not yet made a decision on the NRC staff proposed changes and whether to proceed with the Part 61 rulemaking.

- Revisions to NUREG/BR-0204 - The NRC regulations in 10 CFR Part 20 require that an NRC Uniform Waste Manifest (UWM) be prepared for waste intended for disposal at a licensed LLRW facility. The information on the shipping manifest is reflected on NRC Forms 540 (Shipping Paper), Form 541 (Container and Waste Description) and 542 (Manifest Index and Regional Compact Tabulation). Specifically, the shipper must include activity of the radionuclides H-3, C-14, Tc-99 and I-129 on the UWN. Mr. Janati said these radionuclides ("Phantom 4") were identified by the NRC as being significant to the groundwater pathway and potential radiation dose to a potential receptor. He also stated that the activities of these radionuclides are difficult to measure (DTM) in radioactive waste and are being over-estimated because of the use of lower limit of detection (LLD) values on the shipping manifest. The NRC NUREG/BR-0204 provides instructions for completing the NRC's UWM. This document states that if these radionuclides are present in a shipment at levels less than the LLD, the LLD values must be reported. Mr. Janati said the concern is that over-reporting of these radionuclides could result in the premature closure of disposal sites due to over-estimation in site inventory and radiation dose assessments. He said the NRC is currently involved in seeking input from various stakeholders for a potential revision to NUREG/BR-0204 to improve reporting guidance of DTM radionuclides.

  Mr. Mitchell asked what is the most conservative method of reporting the concentration of these radionuclides. Mr. Janati replied that the current method of reporting is the most conservative. He said the concentration of some of these radionuclides is being over-estimated by a factor of a hundred to a thousand. Mr. Allard said they could take a representative sample and analyze the sample for better measurement of these radionuclides, but it could be expensive so the licensees are conveniently using the LLD numbers for reporting purposes.

  Mr. Khare asked if the changes being proposed by the NRC are finalized, will they be considered regulations. Mr. Janati replied the changes would be considered regulations. Mr. Allard said the NRC Agreement States might have to adopt the final changes for compatibility with the NRC regulations. He said it will be interesting to see how it unfolds and whether the Agreement States will be given some flexibility to determine what changes to incorporate or not.

Update on PA DEP Radiation Study of Oil and Gas Operations (TENORM Study)

Mr. Allard provided an update on the department's comprehensive radiation study of oil and gas operations in Pennsylvania. He said the generation of technologically enhanced naturally occurring radioactive material (TENORM) has increased significantly. This is mainly due to recent expansion in natural gas exploration and production in the Commonwealth. Mr. Allard explained that TENORM is defined in solid waste regulations under the radiation protection action plan and it is not in the purview of this commission.

Mr. Allard explained that hydraulic fracturing, or "fracking", fractures the shale and releases natural gas. Hydraulic fracturing is a national issue. There are relatively high levels of TENORM, particularly radium-226 and -228, in the brine and flowback water that go to treatment facilities from the oil and gas industry. PA DEP has initiated a study to review several key issues associated with TENORM that must be managed effectively. The issues are potential worker radiation exposure, public radiation exposure, and environmental (water, etc.) contamination. The department has the lead on this and a contractor, Perma-Fix Environmental Services, Inc., is providing assistance and consultation to the department. The department is going to collect the necessary data as part of this comprehensive study. Several different types of facilities have already been sampled. The first round of sampling, including wastewater treatment plants (WWTPs), and landfills, commenced on April 15, and the second round began on June 7, 2013. The sampling for underground gas storage sites started on May 14, and the well pad sampling began on June 17, 2013. Sampling has been conducted 2 times at 25 WWTPs, 9 landfills, 12 well pads (drilling and fracking), and 4 underground natural gas storage sites. The types of samples collected have included natural gas samples, liquid samples (i.e., frac water, wastewater), solid samples (i.e., drill cuttings, sludges) and 'wipe' samples of loose material throughout the facilities. The samples are being analyzed for the presence of alpha, beta, and gamma radiation. The gas is being sampled for radon. PA DEP's Bureau of Laboratories and a contracted lab (Gel Labs) will be receiving and analyzing the samples collected. Mr. Allard stated that the department is also going to be tracking the waste from water treatment plants to landfills, looking at how it's being disposed.

Mr. Allard said the cost for this study will be shared by the PA DEP Bureau of Radiation Protection and the Bureau of Waste Management. He also said the study is going to cost over a half million dollars. He said the study will take 12 to 14 months to complete. The final study scope and associated sampling plans are posted on PA DEP Website.

Mr. Mitchell said he is on the Marcellus Shale advisory committee and he will be interested in following up with this. Mr. Allard said the department will continue to provide periodic updates on the TENORM Study to the appropriate department advisory committees. He also said the United States Geological Survey has done some very good work in this region and the Mid-Atlantic States, and there is a lot of good information available. Mr. Khare asked if the department's work is available to the public. Mr. Allard replied it is and the information is posted on the PA DEP Website. He said the department's study is totally transparent. Mr. Janati said he intends to invite Mr. Allard to attend a future meeting of the LLW Forum to present the results of this study.

NEW BUSINESS

Election of Officers

The Commission members voted unanimously to elect Barry Schoch, Secretary of the Pennsylvania Department of Transportation, as the chair and Robert Summers, Secretary of the Maryland Department of Environment, as the vice-chair of the Commission.

Adoption of Fiscal Year 2013-14 Proposed Revised Budget and FY 2014-15 Proposed Budget

Mr. Janati presented the proposed revised budget for fiscal year (FY) 2013-14 and the proposed budget for FY 2014-15. He said the previously approved budget for FY 2013-14 included a fee increase of $1,000 (from $8,500 to $9,500) for the LLW Forum membership beginning in calendar year 2014. However, the Forum later decided to postpone the fee increase until calendar year 2015. He said the revised budget for FY 2013-14 reflects that change. Mr. Janati also discussed the proposed budget for FY 2014-2015. He said the proposed budget is very similar to the budget for FY 2013-14 except that it reflects the fee increase of $1,000 for the Forum membership and a small increase of $100 for the audit. The Commission voted unanimously to approve the proposed revised budget of $28,600 for FY 2013-2014 and the proposed budget of $29,700 for FY 2014-15.

Mr. Anderson said it is clear from the approved budget that the Commission needs to re-appropriate an amount from the restart fund to the fiscal stabilization fund. He asked the chair for a motion to authorize this action. Mr. Khare recommended the elimination of the restart fund of $200,000. He said it is a fictitious number and it is not going to be needed in the foreseeable future. Mr. Anderson said although it is an arbitrary number, it is not a nonsensical number to start an office, to rent a place, hire a person and purchase a computer. He also said he has no problem with the elimination of the restart fund as suggested by Mr. Khare. There was a general consensus among the Commission members on the elimination of the restart fund and as such, the Commission adopted a motion "to eliminate the project restart fund and aggregate the amounts in the restart fund with the amounts in the fiscal stabilization fund to create a new fiscal stabilization fund."

Mr. Dorsey asked if in the unlikely event the Commission would have to restart its office, would it be possible to fund it in this configuration. Mr. Anderson said the money in the fiscal stabilization fund can be used for anything.

Regarding the funds in the Surcharge Fund that the Commission received from the DOE, Mr. Allard said the Commission should start a conversation on this and suggested that Mr. Anderson start drafting language to inform the DOE of possible future use of those funds by the Commission. Mr. Janati said it might be premature to approach the DOE at this time considering the amount of funds available in the Operating Fund. Mr. Khare suggested that Mr. Janati ask the counsel to draft a letter for further discussion on this at the next annual meeting. Mr. Allard added the Commission should also seek advice from the counsel on whether to issue that letter to

the DOE or not. At the conclusion of this discussion, the Commission, through its administrator, asked that the counsel provide advice and recommendation on the possible use of funds in the Surcharge Fund for operations.

PUBLIC COMMENT

There were no members of the public in attendance.

ADJOURNMENT

Mr. Allard adjourned the meeting at approximately 12:48 p.m.

The next annual meeting of the Commission is scheduled for **Wednesday, November 5, 2014** in Harrisburg, PA.