

1 **Appendix A**

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3 **Vermont Yankee Nuclear Decommissioning Citizens Advisory Panel Charter**
4 **Adopted February 26, 2015**
5 **Amended May 26, 2016**
6

7 **I. Purpose**

8 The Vermont Yankee Nuclear Decommissioning Citizens Advisory Panel (NDCAP or Panel)
9 is established pursuant to Title 18 of Vermont Statutes, Chapter 34, Sections 1700 -1702.¹
10 The NDCAP is to serve as a conduit for public information and education, to encourage
11 open communication and community involvement in matters related to the
12 decommissioning process of the Vermont Yankee Nuclear Power Station (VYNPS), and to
13 receive written reports and presentations on the decommissioning of the Station at its
14 regular meetings. The NDCAP shall advise the Governor, General Assembly, the agencies of
15 the state, and the public on issues related to decommissioning. The Panel shall serve in an
16 advisory capacity only and shall not have authority to direct decommissioning of the
17 VYNPS. Although this charter expands on the language contained in the enabling statute, it
18 is understood that the statute remains the ultimate authority.

19 **II. Duties**

20 Duties shall be:

- 21 • To receive written reports & presentations on the decommissioning at its regular
22 meetings. The reports received by the NDCAP address decommissioning plans,
23 including:
24 ○ All Site Assessments
25 ○ The Post-Shutdown Decommissioning Activities Report (PSDAR) and amendments
26 ○ Periodic reports on the Decommissioning Trust Fund and other funds associated
27 with Site Decommissioning and/or Site Restoration including fund balances,
28 expenditures made & reimbursements received.
29 ○ Any progress reports on decommissioning activities by Vermont Yankee as
30 submitted to the Panel
31 • To provide a forum for receiving public comments on Vermont Yankee
32 Decommissioning plans and reports
33 • To provide comments on plans and reports as the Panel may consider appropriate to
34 the State Agencies and the Vermont Yankee owners
35 • To provide an annual report to the Governor & Energy Committees of the General

¹ <http://legislature.vermont.gov/statutes/fullchapter/18/034>

- 1 Assembly due January 15, of the following year, which
- 2 ○ Includes comments on received Decommissioning Plans & Reports, as the Panel may
 - 3 consider appropriate.
 - 4 ○ Shall assess further changes to the Panel’s membership or duties as appropriate.
 - 5 ○ Shall include recommendations on such changes.

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7 **III. Organization and Membership**

8 A. Membership

- 9 • Secretary of Human Services or designee (ex officio)
- 10 • Secretary of Natural Resources or designee (ex officio)
- 11 • Commissioner of Public Service or designee (ex officio)
- 12 • Secretary of Commerce and Community Development or designee (ex officio)
- 13 • Representative of the Town of Vernon, selected by Vernon select board
- 14 • Six members of the public – two each appointed by the Governor, The Speaker, and the
- 15 Senate President Pro Tem. Under this subdivision, each appointing authority initially
- 16 shall appoint a member a three-year term and a member a four-year term. Subsequent
- 17 appointments under this subdivision shall be for terms of four years;
- 18 • One representative of the Windham Regional Commission appointed by the
- 19 Commission
- 20 • Two representatives of Vermont Yankee, selected by the owner of VYNPS
- 21 • One representative of the International Brotherhood of Electrical Workers (IBEW),
- 22 selected by IBEW, who is a past or present employee at Vermont Yankee
- 23 • One member representing the towns of Chesterfield, Hinsdale, Richmond, Swanzey, and
- 24 Winchester, NH, appointed by the Governor of NH
- 25 • One member representing the towns of Bernardston, Colrain, Gill, Greenfield, Leyden,
- 26 Northfield, and Warwick, MA, appointed by the Governor of MA
- 27 • One member of the House Committee on Natural Resources and Energy, chosen by the
- 28 Speaker of the House
- 29 • One member of the Senate Committee on Natural Resources and Energy, chosen by the
- 30 Committee on Committees

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32 B. Officers

- 33 • The NDCAP shall have a Chairperson and Vice-Chairperson or Co-Chairs elected by a
- 34 majority vote of the Panelists.
- 35 • The Commissioner of the Public Service Department will serve as the Chair until the
- 36 Panel elects a Chair or Co-Chairs.

- 1 • The Chair shall perform the following duties:
 - 2 ○ Call meetings of the NDCAP
 - 3 ○ Prepare and/or approve agendas for meetings
 - 4 ○ Preside at NDCAP meetings
 - 5 ○ Submit all recommendations adopted by the NDCAP to the Governor, legislature,
 - 6 state agencies and the plant owner
- 7 • Vice-Chairperson shall perform all the duties of the Chairperson in her/his absence.
- 8 • The term for the Chairperson and Vice-Chairperson or co-chairs will be one year, or as
- 9 otherwise determined by the Panel, but not for more than one year.

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11 C. Term of Membership: Ex officio members shall serve for the duration of their time in
12 office or until a successor has been appointed. Members of the General Assembly shall be
13 appointed for two years or until their successors are appointed, beginning on or before
14 January 15 in the first year of the biennium. Representatives designated by ex officio
15 members shall serve at the direction of the designating authority.

16 D. Designees: Certain statutory positions on the Panel may to be represented by designees.
17 It is understood that the preference is for designees to serve on a permanent basis, and that
18 for the purposes of continuity, the use of alternates on a meeting-by-meeting basis is to be
19 avoided.

20 E. Reimbursement: Members of the NDCAP who are not ex officio members, employees of
21 the State of Vermont, representatives of the VYNPS, or members representing towns
22 outside Vermont, and who are not otherwise compensated or reimbursed for their
23 attendance shall be entitled to \$50.00 per diem and their necessary and actual expenses.
24 Funds for this purpose shall come from the monies collected under 30 V.S.A. section 22 for
25 the purpose of maintaining the Department of Public Service. Legislative members shall
26 not be entitled to a per diem under this section for meetings while the General Assembly is
27 in session.

28 F. Committees: Committees, sub-committees or similar working groups will be designated
29 by the Chairperson and Vice Chair or Co-Chairs as needed to carry out the work of the
30 NDCAP and may include designees who are not members of the Panel. Such committees,
31 sub-committees or working groups will serve at the discretion of the NDCAP as a whole.
32 Every effort should be made to appoint members of the committees who represent the
33 broad interests reflected on the NDCAP. Committees serve to support the NDCAP and may
34 not themselves take action other than to advise or report to the Panel. Committees may
35 seek participation by and presentation from other parties and the public. Committees of
36 the NDCAP are likewise subject to all provisions of the Vermont Open Meeting Law.

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1 G. Administration

- 2 • The Public Service Department, the Agency of Human Services, and the Agency of
3 Natural Resources will furnish administrative support, with assistance from the owners
4 of the VYNPS as the Commissioner of the Public Service may consider appropriate.
5 • The Commissioner of Public Service shall manage administrative support to the Panel,
6 including:
- 7 ○ Manage administrative support including scheduling meetings and securing meeting
8 locations, providing public notice of meetings, producing minutes of meetings, and
9 assisting in the compilation and production of the Panel’s annual report
 - 10 ○ Inform Panel on status of decommissioning matters
 - 11 ○ Timely notify Panel of new decommissioning information
 - 12 ○ Upon request, provide all Panel members with all relevant information within
13 Public Service Department control.
 - 14 ○ Provide workshops, training for Panel members, as appropriate.
 - 15 ○ Hire experts, contract for services, and provide for materials and other reasonable
16 and necessary expenses of the Panel as the Commissioner may consider appropriate
17 on request of the Panel from time to time.
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19 **IV. Meetings**

20 A. Frequency: The NDCAP will meet a minimum of four times a year, although additional
21 meetings can be called at the Chair’s or Co-Chairs’ discretion or by request of a minimum of
22 five of the NDCAP members via the Chair or Co-Chairs. Meetings will be announced a
23 minimum of two days in advance. The Chair, Co-Chairs, or at least five Panel members may
24 call a special meeting with a minimum of one day advance notice.

25 B. Agendas: The agenda will be drafted by the Chair and Vice-chair or Co-chairs with input
26 from other members. Issues brought before the NDCAP that are not on the meeting agenda
27 must be considered as the first item of business, and if discussed, any action should be
28 deferred to a later meeting unless urgent.

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30 C. Quorum: A majority of members will constitute a quorum for a meeting of the NDCAP at
31 which a vote or other official action is to be taken. In the absence of a quorum, the NDCAP
32 may convene the meeting and adjourn until such time as a quorum is present. No official
33 action may be undertaken by the NDCAP at a meeting that lacks a quorum.

34 D. Virtual Meetings: As long as the requirements of the open meeting laws are met, the
35 Panel may conduct business and vote to take an action at a regular, special or emergency
36 meeting by electronic or other means without being physically present at a designated

1 meeting location. In this situation the Panel will follow all the requirements outlined in 1
2 *V.S.A. § 312(a)(2)*.

3 E. Public Access: In order to serve as a conduit for public information and education on
4 and to encourage community involvement in matters related to the decommissioning of the
5 Vermont Yankee Nuclear Power Station, the Vermont Nuclear Decommissioning Citizens
6 Advisory Panel (VNDCAP) will make reasonable accommodations to facilitate access to
7 Panel meetings by those who are unable to attend in person. This may include live
8 streaming of meeting audio via the internet, access by conference phone, or similar means.”
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10 **V. Decision-making Process**

11 A. The NDCAP will strive to reach consensus on key issues by conducting their
12 deliberations through dialogue and joint learning.² Consensus means that the group
13 strives to clarify disagreements and tries to work through them to reach agreement on
14 options that everyone can “live with.”³
15

16 B. To work towards consensus, the Panelists will:

- 17 • engage in a thoughtful, thorough deliberation
- 18 • advocate for the interests of his/her agency or constituency
- 19 • share relevant information with the other group members
- 20 • keep constituencies informed and advocate within constituent organizations for
21 support of the group’s work
- 22 • keep the group informed about constituent perspectives
- 23 • work to identify promising and innovative options
- 24 • openly discuss and evaluate those options
- 25 • refrain from undermining group recommendations and reports
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27 C. However, if consensus cannot be achieved on key issues within a reasonable timeframe
28 as determined by the Chair or Co-chairs, the Panel shall act by majority vote of its entire
29 membership & only at meetings called by the Chair, Co-Chairs or by any 5 Panelists.
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² **Joint learning** means that there are opportunities for people to learn from trusted and credible sources about the science and technology and to learn about the concerns, perspectives, and needs of all interested and affected parties.

³ **Consensus does not mean** that decisions devolve to the least offensive solutions. If managed skillfully, the process of building consensus can generate a better understanding of alternative perceptions of the problem, identify options for solving the problem that are innovative and have not been considered before, and create more value for all stakeholders involved.

1 D. Minority reports will be part of the NDCAP record.

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3 E. Roberts Rules of Order will govern all NDCAP meetings.

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5 **VI. Public Engagement and Transparency**

6 A. All NDCAP meetings will be open to the public.

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8 B. Comments will be solicited from the public in attendance at least once during the
9 meeting and more often at the discretion of the Chair and Co-Chairs.

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11 C. Written comments may be submitted at any time. Provisions will be made to solicit and
12 take into account written comments from all interested stakeholders on NDCAP reports. To
13 the extent practical, the NDCAP will explain how comments from the public were
14 considered in written recommendations or reports.

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16 D. Minutes shall be kept of all NDCAP meetings and will include a record of members
17 present, a complete and accurate description of matters discussed and conclusions
18 reached, and copies of all reports received, issued or approved by the NDCAP. Draft
19 minutes shall be posted on the PSD website within five days of the meeting. Minutes will
20 be adopted by the next scheduled NDCAP meeting.

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22 E. The records of the NDCAP consist of this Charter, meeting agendas, meeting minutes,
23 reports submitted to or drafted by the NDCAP, studies made available to or prepared by the
24 NDCAP, correspondence related to substantive issues under consideration by the NDCAP.
25 All such records shall be made available to the public on request.

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27 F. The NDCAP may provide opportunities outside of formal meetings for information
28 sharing and dialogue with stakeholders.

29 **VII. Communication**

30 Whenever feasible electronic mail will be the preferred method of communicating
31 administrative issues with and among NDCAP members.

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