

The Nuclear Decommissioning Citizens Advisory Panel (NDCAP) Members and Duties

The 19 member Nuclear Decommissioning Citizens Advisory Panel (NDCAP) was established in Act 178 this past legislative session replacing the seven member Vermont State Nuclear Advisory Panel (VSNAP) that had been in place since the sale of Vermont Yankee to Entergy in 2002. The new panel added six citizen members, two each to be appointed by the Governor, the Senate Pro-Tem and the House Speaker. With Vermont Yankee closing by the end of this year, the Legislature and Governor believed an advisory panel with more citizen representation that focused squarely on decommissioning and restoration issues facing Vermont Yankee would be helpful in ensuring timely and relevant information is gathered and shared with the local and state communities.

The Panel shall serve in an advisory capacity. The duties of the Panel are:

- To hold a minimum of four public meetings each year for the purpose of discussing issues relating to the decommissioning of the Vermont Yankee Nuclear Power Station (VYVNP). The Panel may hold additional meetings;
- To advise the Governor, the General Assembly, and the agencies of the State, and the public on issues related to the decommissioning of the VYNPS, with a written report being provided annually to the Governor and to the energy committees of the General Assembly;
- To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the VYNPS and to receive written reports and presentations on the decommissioning of the Station at its regular meetings;
- To periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of or site restoration at the VYNPS, including fund balances, expenditures made, and reimbursements received; and
- To receive reports regarding the decommissioning plans for the VYNPS, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and to provide comment on these plans and reports as the Panel may consider appropriate to State agencies and the owner of the VYNPS and in the annual report.

There is created a Nuclear Decommissioning Citizens Advisory Panel which shall consist of the following:

- (1) the Secretary of Human Services, ex officio, or designee; **Dr. William Irwin**
- (2) the Secretary of Natural Resources, ex officio, or designee; **Commissioner David Mears**

(3) the Commissioner of Public Service, ex officio, or designee; **Commissioner Christopher Recchia**

(4) the Secretary of Commerce and Community Development, ex officio, or designee; **Secretary Pat Moulton**

(5) one member of the House Committee on Natural Resources and Energy, chosen by the Speaker of the House; **Representative Michael Hebert**

(6) one member of the Senate Committee on Natural Resources and Energy, chosen by the Committee on Committees; **Senator Mark MacDonald**

(7) one representative of the Windham Regional Commission or designee, selected by the Regional Commission; **Executive Director Chris Campany**

(8) one representative of the Town of Vernon or designee, selected by the legislative body of that town; appointed is **Stephen Skibniowsky**

(9) six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years; **Kate O'Connor** (4), **Martin Langeveld** (3), **Jim Matteau** (4), **Jim Tonkovich** (3), **David Deen** (4), **Derrick Jordan** (3)

(10) two representatives of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station; **Christopher J. Wamser**, Site Vice-President and **T. Michael Twomey**, Vice-President External Affairs, ENVY

(11) a representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS; **David Andrews**

(12) one member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service; **Senator Molly Kelly, Keene, NH** and

(13) one member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, appointee is MA Representative **Paul W. Mark** (2nd Berkshire District of the MA State Legislature)

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

(c) The Commissioner of Public Service shall serve as the Chair until the Panel elects a Chair or Co-Chairs under subsection (d) of this section.

(d) The Panel annually shall elect a Chair or Co-Chairs, and a Vice Chair, for one-year terms commencing with its first meeting following the effective date of this section.

(e) A majority of the Panel's members shall constitute a quorum. The Panel shall act only by vote of a majority of its entire membership and only at meetings called by the Chair or a Co-Chair or by any five of the members. The person or persons calling the meeting shall provide adequate notice to all its members.

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

(g) The Commissioner of Public Service shall:

(1) manage the provision of administrative support to the Panel, including scheduling meetings and securing meeting locations, providing public notice of meetings, producing minutes of meetings, and assisting in the compilation and production of the Panel's annual report described in section 1701 of this title;

(2) keep the Panel informed of the status of matters within the jurisdiction of the Panel;

(3) notify members of the Panel in a timely manner upon receipt of information relating to matters within the jurisdiction of the Panel;

(4) upon request, provide to all members of the Panel all relevant information within the control of the Department of Public Service relating to subjects within the scope of the duties of the Panel;

(5) provide workshops or training for Panel members as may be appropriate; and

(6) hire experts, contract for services, and provide for materials and other reasonable and necessary expenses of the Panel as the Commissioner may consider appropriate on request of the Panel from time to time. Funds for this purpose shall come from the monies collected under 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service and such other sources as may be or become available.

§ 1701. DUTIES

The Panel shall serve in an advisory capacity only and shall not have authority to direct decommissioning of the VYNPS. The duties of the Panel shall be:

(1) To hold a minimum of four public meetings each year for the purpose of discussing issues relating to the decommissioning of the VYNPS. The Panel may hold additional meetings.

(2) To advise the Governor, the General Assembly, the agencies of the State, and the public on issues related to the decommissioning of the VYNPS, with a written report being provided annually to the Governor and to the energy committees of the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of reports) shall not apply to this report.

(3) To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the VYNPS and to receive written reports and presentations on the decommissioning of the Station at its regular meetings.

4) To periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of or site restoration at the VYNPS, including fund balances, expenditures made, and reimbursements received.

(5) To receive reports regarding the decommissioning plans for the VYNPS, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and to provide comment on these plans and reports as the Panel may consider appropriate to State agencies and the owner of the VYNPS and in the annual report described in subdivision (2) of this section.

§1702. ASSISTANCE

The Department of Public Service, the Agency of Human Services, and the Agency of Natural Resources shall furnish administrative support to the Panel, with assistance from the owners of the VYNPS as the Commissioner of Public Service may consider appropriate.

In Session Law

DECOMMISSIONING ADVISORY PANEL; ASSESSMENT OF CHARGE

(a) After providing an opportunity for public comment, the Nuclear Decommissioning Citizens Advisory Panel created under 18 V.S.A. chapter 34 shall assess whether further changes to the Panel's membership or duties as amended by this act are appropriate and shall include recommendations on such further changes in the annual report to the Governor and energy committees of the General Assembly under 18 V.S.A. § 1701(2) to be filed on or before January 15, 2015.