

## **Public Participation and Democracy:**

### **CITIZEN ADVISORY PANEL for Vermont Yankee Decommissioning**

Communities affected by nuclear facilities should have the ability to participate in matters that affect them. Citizens need a substantive role in order to clarify, negotiate and protect their community's interests. A Citizen Advisory Panel (CAP) can be a mechanism to ensure greater community participation. The CAP would meet regularly to give meaningful input into decisions concerning health and safety. The CAP would function to educate their communities to the technology that exists in their neighborhood and its effects and advocate for their communities interests with regulators and corporations. Although the CAP is relevant to all stages of nuclear power production, it is especially relevant to site cleanup.

#### **Purview of CAP:**

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

- (1) To hold a minimum of four public meetings each year for the purpose of discussing issues to the decommissioning of the Vermont Yankee. The Panel may hold additional meetings.
- (2) To advise the Governor, the General Assembly, and the agencies of the State on issues related to the decommissioning of the Vermont Yankee, with a written report being provided annually to the Governor and to the energy committees of the General Assembly.
- (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 Vermont Yankee.
- (4) To periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of or site restoration at Vermont Yankee, including fund balances, expenditures made, and reimbursements received.
- (5) To receive reports regarding the decommissioning plans for Vermont Yankee, 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 Vermont Yankee and in the annual report.

#### **Participants:**

- Secretary of Human Services or designee (ex officio)
- Secretary of Natural Resources or designee (ex officio)
- Commissioner of Public Service or designee (ex officio)
  - Chair until another elected.
  - Will convene first meeting.
- Secretary of Commerce and Community Development or designee (ex officio)
- Representative of the Town of Vernon, selected by Vernon select board
- One member of each of the Vermont House and Senate Natural Resource and Energy Committees
- One member of the Windham Regional Commission or designee
- 6 members of the public
  - 2 each appointed by the Governor, The Speaker, and the Senate President Pro Tem
- 2 representatives of Vermont Yankee, selected by the owner of VY
- One representative of the IBEW, selected by IBEW, who is a past or present employee at Vermont Yankee
- One member from NH, appointed by the Gov. of NH
- One member from MA, appointed by the Gov. of MA

Sec. E.233 18 V.S.A. chapter 34 is amended to read:

CHAPTER 34. NUCLEAR DECOMMISSIONING CITIZENS ADVISORY  
PANEL

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created a ~~nuclear advisory panel~~ Nuclear Decommissioning Citizens Advisory Panel which shall consist of the following:

(1) ~~the secretary of human services~~ Secretary of Human Services, ex officio, or designee;

(2) ~~the secretary of natural resources~~ Secretary of Natural Resources, ex officio, or designee;

(3) ~~the commissioner of public service~~ Commissioner of Public Service, ex officio, or ~~his or her~~ designee;

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

(5) ~~one member of an energy committee of the Vermont house of representatives~~ the House Committee on Natural Resources and Energy, chosen by the ~~speaker~~ Speaker of the House House;

~~(5)~~(6) ~~one member of an energy committee of the Vermont senate~~ the Senate Committee on Natural Resources and Energy, chosen by the ~~committee~~ Committee on Committees Committees; ~~and~~

(7) one representative of the Windham Regional Commission or designee, selected by the Regional Commission;

(8) one representative of the Town of Vernon or designee, selected by the legislative body of that town;

~~(6)~~(9) ~~two~~ six members of the public, two each selected by the ~~governor~~ 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;

(10) two representatives of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station;

(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;

(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; and

(13) one member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

(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~~ 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~~ Commissioner of Public Service shall serve as ~~chairperson~~ 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 ~~of the panel~~ shall constitute a quorum. The ~~panel~~ Panel shall act only by vote of a majority of its entire membership and only at meetings called by the ~~chairperson~~ Chair or a Co-Chair or by any ~~three~~ five of the members. The person or persons calling the meeting shall provide adequate notice to all its members.

~~(e)(f)~~ (f) Members of the panel, ~~except for who are not ex officio members and except for legislative members while the general assembly is in session,~~ 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 \$30.00 \$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 public service board 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.

~~(f)(g)~~ (g) The ~~department of public service~~ 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~~ Panel informed of the status of matters within the jurisdiction of the ~~panel~~ Panel;

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

(3)(4) upon request, provide to all members of the ~~panel~~ Panel all relevant information within the ~~department's~~ control of the Department of Public Service relating to subjects within the scope of the duties of the ~~panel~~ 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~~ Panel shall be:

(1) To hold a minimum of ~~three~~ four public meetings each year for the purpose of discussing issues relating to the ~~present and future use of nuclear power and to~~ decommissioning of the VYNPS. The Panel may hold additional meetings.

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

(2) To define the responsibilities of state agencies for assuring the safety and health of the public as the result of the operation of a fixed nuclear facility and to assess the ability of state and local governments to meet this responsibility in terms of both technical expertise and financial support;

~~(3) To discuss proposed changes in operations or specific problems that arise in the operation of a fixed nuclear facility, and to prepare and present technical data to serve as a basis for establishing the state's position on such changes or problems; 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 maintain communications with the operators of any fixed nuclear facility, including the receipt of written reports and presentations to the panel 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.~~

~~(5) To develop awareness in the state and in the state government of the potential liabilities, benefits, or repercussions of nuclear power generation in the state in comparison to other electrical energy sources; 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 described in subdivision (2) of this section~~

~~(6) To review the current status of state relations with the Nuclear Regulatory Commission and to seek some agreement on federal and state regulatory efforts.~~

#### § 1702. ASSISTANCE

~~Staff services for the committee shall be furnished by the department of public service, the agency of human services, the agency of environmental conservation, and the office of the attorney general 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.~~

#### Sec. E.233.1 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.

Sec. E.234 [DELETED]

Sec. E.238 [DELETED]

\* \* \* HUMAN SERVICES \* \* \*

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2015 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 APPROPRIATION ADJUSTMENT AUTHORITY FOR COMBINED WAIVER AND INDEPENDENT DIRECT CARE EXPENDITURES

(a) In the event that the Centers for Medicare and Medicaid Services approves combining the two Section 1115 waivers during State fiscal year 2015, the Secretary of Administration with the approval of the Joint Fiscal Committee, may make net neutral adjustments among Agency of Human Services appropriations as appropriate, to reflect the necessary changes in fund accounting. This authority does not allow the transfer of programs among departments.

(b) Of the General Funds appropriated in Sec. B.300 of this act \$1,735,000 is for expenditures resulting from negotiated agreements for the provision of independent direct care. The Agency may transfer these funds to the departments as needed or proposed redistribution of the funds in the budget adjustment process for fiscal year 2015.

Sec. E.300.2 REVIEW; ADAP RESIDENTIAL SUBSTANCE ABUSE TREATMENT

(a) The Agency of Human Services in consultation with the Department of Vermont Health Access, the Department of Health, the Department of Finance and Management, and the Joint Fiscal Office shall review the fiscal impact of increasing the number of preapproved residential substance treatment days from the current 15 days for adult Medicaid recipients. The review shall consider the following:

(1) the American Society for Addiction Medicine Patient Placements Criteria;

(2) third-party payers processes for determination of length of stay;

(3) the process for extending the number of days of residential treatment beyond 15; and