

MI HB5377

Energy; nuclear; nuclear decommissioning; establish advisory panel. Creates new act.

As of January 22, 2020

the people of the state of Michigan enact:

Sec. 1.

As used in this act: (a) "LARA" means the department of licensing and regulatory affairs. (b) "MPSC" means the Michigan public service commission. (c) "Panel" means the nuclear decommissioning citizen advisory panel created in section 3(1).

Sec. 3.

(1) The nuclear power plant decommissioning advisory panel is created in LARA. (2) The panel shall consist of all of the following: (a) The director of the department of health and human services, or his or her designee. (b) The director of the department of environment, Great Lakes, and energy, or his or her designee. (c) The director of the department of natural resources, or his or her designee. (d) The chairperson of the MPSC, or his or her designee. (e) The director of the department of labor and economic opportunity, or his or her designee. (f) One member of the senate committee with primary responsibility for environmental issues and 1 member of the senate committee with primary responsibility for energy and technology issues, each appointed by the senate majority leader. (g) One member of the house committee with primary responsibility for environmental issues and 1 member of the house committee with primary responsibility for energy and technology issues, each appointed by the speaker of the house. (h) A representative of the International Brotherhood of Electric Workers (IBEW), appointed by the IBEW, who is a present or former employee at a nuclear power plant in this state. (i) A representative of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States, Canada (UA), appointed by the UA, who is a present or former employee at a nuclear power plant in this state. (j) A representative of the Utility Workers Union of America (UWUA), appointed by the UWUA, who is a present or former employee at a nuclear power plant in this state. (k) A representative of a statewide environmental protection or conservation organization. (l) A representative of an environmental justice organization or an organization focused on community benefits. (m) Two tribal representatives, 1 each by the tribal council of the Little Traverse Bay Bands of Odawa Indians and by the tribal council of the Pokagon Band of Potawatomi Indians. (n) A representative of each nuclear power plant in this state undergoing or scheduled by the United States Nuclear Regulatory Commission for decommissioning, appointed by the owner of the nuclear power plant. (o) Subject to subsection (3), for each nuclear power plant in this state undergoing or scheduled for decommissioning, members representing interests within 50 miles of the nuclear power plant, such as the following: (i) The general public. (ii) Local business. (iii) Local government. (iv) Organizations opposed to nuclear energy. (v) Local or regional emergency planning agencies. (vi) Regional water quality interests. (vii) Environmental protection or conservation organizations. (viii) Agriculture. (ix) Nuclear engineering and radiological sciences. (x) Science

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education. (xi) Federally recognized local tribal councils. (3) The number of appointees under subsection (2)(l), (m), and (o) shall be such that the panel has an odd number of members and those appointees comprise at least a majority of the panel. The governor shall appoint members under subsection (2)(o). Before such an appointment is made, LARA and the executive office of the governor shall post and maintain on their websites for at least 30 days a notice soliciting written nominations for the appointment. The appointment shall be made from among the nominees. (4) The members first appointed to the panel shall be appointed within 60 days after the effective date of this act. An appointing authority shall make an appointment by notifying the chairperson of the MPSC of the name of and the contact information for the appointee. (5) A designee under subsection (2)(a) to (e) shall serve, at the direction of the designating officer, for a term of 4 years. A member appointed under subsection (2)(f) or (g) shall serve for a term of 2 years. The first members appointed under subsection (2)(h) to (m) shall serve for terms of 3 years. The first member appointed under subsection (2)(n) for each nuclear power plant shall be appointed for a term of 1, 2, 3, or 4 years so that the terms of members appointed under subsection (2)(n) are staggered as nearly as possible. All other members appointed under subsection (2) shall serve for terms of 4 years. (6) If a vacancy occurs on the panel, the vacancy shall be filled for the unexpired term in the same manner as the original appointment was made. (7) The senate majority leader or speaker of the house, respectively, may remove a member of the panel appointed under subsection (2)(f) or (g), respectively. The governor may remove a member appointed under subsection (2)(h), (i), (j), (k), (l), or (m). A tribal council may remove a member appointed by that tribal council under subsection (2)(n). The panel, by a vote of 2/3 of its members, may remove a member appointed under subsection (2)(o). A member of the panel may be removed for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

Sec. 5.

(1) The first meeting of the panel shall be called by the chairperson of the MPSC or his or her designee on the panel for a date within 90 days after the effective date of this act. At the first meeting, the panel shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the panel shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 25% or more of the members. (2) A majority of the members of the panel constitute a quorum for the transaction of business at a meeting of the panel. A majority of the members present and serving are required for official action of the panel. (3) The business that the panel may perform shall be conducted at a public meeting of the panel held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. (4) A writing prepared, owned, used, in the possession of, or retained by the panel in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (5) Members of the panel shall serve without compensation. However, members of the panel may be reimbursed for their

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actual and necessary expenses incurred in the performance of their official duties as members of the panel.

Sec. 7.

LARA shall do all of the following: (a) Provide 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 under section 9. (b) Upon request, provide to all members of the panel all relevant information within the control of LARA relating to subjects within the scope of the duties of the panel. (c) Provide workshops or training for panel members as requested by the panel. (d) Hire experts, contract for services, and provide for materials and other reasonable and necessary expenses of the panel as requested by the panel. (e) Post on its website and otherwise publicize the reports submitted under section 9(2)(e).

Sec. 9.

(1) The panel shall serve in an advisory capacity only and shall not direct decommissioning of a nuclear power plant. (2) The panel shall do all of the following: (a) Advise the governor, the legislature, agencies of this state, the owners and operators of nuclear power plants operating in this state, and the public on issues related to the decommissioning of nuclear power plants including all of the following: (i) Community impact. (ii) Job transition planning. (iii) Municipal tax implications. (iv) Proper radioactive waste storage and disposal. (b) Annually submit a written report on the decommissioning of nuclear power plants in this state to the governor and to the senate and house of representatives. (c) Serve as a conduit for public information and education on and encourage community involvement in matters related to the decommissioning of nuclear power plants. (d) Receive reports and presentations on the decommissioning of nuclear power plants at its regular meetings. (e) At each meeting, receive the plans and reports under section 11 and public comment on the plans and reports. (f) Provide comment on the plans and reports under section 11 as the panel considers appropriate to state agencies and the owner of each nuclear power plant and in the annual report described in subdivision (b).

Sec. 11.

(1) At each meeting of the panel, the United States Nuclear Regulatory Commission state liaison officer shall provide the panel with a report regarding the decommissioning plans for each nuclear power plant in this state, including any site assessments and post-shutdown decommissioning assessment reports. (2) At each meeting of the panel, the operator of each nuclear power plant shall provide the panel with a detailed, current report on the nuclear power plant's decommissioning fund, including fund balances, credits, debits, debit purposes, and budgeted decommissioning and site restoration expenses. (3) As the chairperson of the MPSC considers appropriate, the owner of a

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nuclear power plant shall assist LARA in providing administrative support to the panel under section 7(a).