

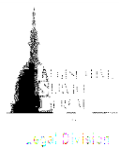
HOUSE BILL NO. 5377

January 22, 2020, Introduced by Reps. Hoadley, Pohutsky, Sowerby, Hood, Wittenberg, Hammoud, Ellison, Lasinski, Warren and Camilleri and referred to the Committee on Government Operations.

A bill to create a nuclear power plant decommissioning advisory panel and to provide for the powers and duties of the panel, certain state and local officers and agencies, and nuclear power plant owners and operators.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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



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1 panel created in section 3(1).

2 Sec. 3. (1) The nuclear power plant decommissioning advisory
3 panel is created in LARA.

4 (2) The panel shall consist of all of the following:

5 (a) The director of the department of health and human
6 services, or his or her designee.

7 (b) The director of the department of environment, Great
8 Lakes, and energy, or his or her designee.

9 (c) The director of the department of natural resources, or
10 his or her designee.

11 (d) The chairperson of the MPSC, or his or her designee.

12 (e) The director of the department of labor and economic
13 opportunity, or his or her designee.

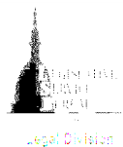
14 (f) One member of the senate committee with primary
15 responsibility for environmental issues and 1 member of the senate
16 committee with primary responsibility for energy and technology
17 issues, each appointed by the senate majority leader.

18 (g) One member of the house committee with primary
19 responsibility for environmental issues and 1 member of the house
20 committee with primary responsibility for energy and technology
21 issues, each appointed by the speaker of the house.

22 (h) A representative of the International Brotherhood of
23 Electric Workers (IBEW), appointed by the IBEW, who is a present or
24 former employee at a nuclear power plant in this state.

25 (i) A representative of the United Association of Journeymen
26 and Apprentices of the Plumbing and Pipe Fitting Industry of the
27 United States, Canada (UA), appointed by the UA, who is a present
28 or former employee at a nuclear power plant in this state.

29 (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 education.

(xi) Federally recognized local tribal councils.



1 (3) The number of appointees under subsection (2) (l), (m), and
2 (o) shall be such that the panel has an odd number of members and
3 those appointees comprise at least a majority of the panel. The
4 governor shall appoint members under subsection (2) (o). Before such
5 an appointment is made, LARA and the executive office of the
6 governor shall post and maintain on their websites for at least 30
7 days a notice soliciting written nominations for the appointment.
8 The appointment shall be made from among the nominees.

9 (4) The members first appointed to the panel shall be
10 appointed within 60 days after the effective date of this act. An
11 appointing authority shall make an appointment by notifying the
12 chairperson of the MPSC of the name of and the contact information
13 for the appointee.

14 (5) A designee under subsection (2) (a) to (e) shall serve, at
15 the direction of the designating officer, for a term of 4 years. A
16 member appointed under subsection (2) (f) or (g) shall serve for a
17 term of 2 years. The first members appointed under subsection
18 (2) (h) to (m) shall serve for terms of 3 years. The first member
19 appointed under subsection (2) (n) for each nuclear power plant
20 shall be appointed for a term of 1, 2, 3, or 4 years so that the
21 terms of members appointed under subsection (2) (n) are staggered as
22 nearly as possible. All other members appointed under subsection
23 (2) shall serve for terms of 4 years.

24 (6) If a vacancy occurs on the panel, the vacancy shall be
25 filled for the unexpired term in the same manner as the original
26 appointment was made.

27 (7) The senate majority leader or speaker of the house,
28 respectively, may remove a member of the panel appointed under
29 subsection (2) (f) or (g), respectively. The governor may remove a



1 member appointed under subsection (2)(h), (i), (j), (k), (l), or
2 (m). A tribal council may remove a member appointed by that tribal
3 council under subsection (2)(n). The panel, by a vote of 2/3 of its
4 members, may remove a member appointed under subsection (2)(o). A
5 member of the panel may be removed for incompetence, dereliction of
6 duty, malfeasance, misfeasance, or nonfeasance in office, or any
7 other good cause.

8 Sec. 5. (1) The first meeting of the panel shall be called by
9 the chairperson of the MPSC or his or her designee on the panel for
10 a date within 90 days after the effective date of this act. At the
11 first meeting, the panel shall elect from among its members a
12 chairperson and other officers as it considers necessary or
13 appropriate. After the first meeting, the panel shall meet at least
14 quarterly, or more frequently at the call of the chairperson or if
15 requested by 25% or more of the members.

16 (2) A majority of the members of the panel constitute a quorum
17 for the transaction of business at a meeting of the panel. A
18 majority of the members present and serving are required for
19 official action of the panel.

20 (3) The business that the panel may perform shall be conducted
21 at a public meeting of the panel held in compliance with the open
22 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

23 (4) A writing prepared, owned, used, in the possession of, or
24 retained by the panel in the performance of an official function is
25 subject to the freedom of information act, 1976 PA 442, MCL 15.231
26 to 15.246.

27 (5) Members of the panel shall serve without compensation.
28 However, members of the panel may be reimbursed for their actual
29 and necessary expenses incurred in the performance of their



1 official duties as members of the panel.

2 Sec. 7. LARA shall do all of the following:

3 (a) Provide administrative support to the panel, including
4 scheduling meetings and securing meeting locations, providing
5 public notice of meetings, producing minutes of meetings, and
6 assisting in the compilation and production of the panel's annual
7 report under section 9.

8 (b) Upon request, provide to all members of the panel all
9 relevant information within the control of LARA relating to
10 subjects within the scope of the duties of the panel.

11 (c) Provide workshops or training for panel members as
12 requested by the panel.

13 (d) Hire experts, contract for services, and provide for
14 materials and other reasonable and necessary expenses of the panel
15 as requested by the panel.

16 (e) Post on its website and otherwise publicize the reports
17 submitted under section 9(2)(e).

18 Sec. 9. (1) The panel shall serve in an advisory capacity only
19 and shall not direct decommissioning of a nuclear power plant.

20 (2) The panel shall do all of the following:

21 (a) Advise the governor, the legislature, agencies of this
22 state, the owners and operators of nuclear power plants operating
23 in this state, and the public on issues related to the
24 decommissioning of nuclear power plants including all of the
25 following:

26 (i) Community impact.

27 (ii) Job transition planning.

28 (iii) Municipal tax implications.

29 (iv) Proper radioactive waste storage and disposal.



1 (b) Annually submit a written report on the decommissioning of
2 nuclear power plants in this state to the governor and to the
3 senate and house of representatives.

4 (c) Serve as a conduit for public information and education on
5 and encourage community involvement in matters related to the
6 decommissioning of nuclear power plants.

7 (d) Receive reports and presentations on the decommissioning
8 of nuclear power plants at its regular meetings.

9 (e) At each meeting, receive the plans and reports under
10 section 11 and public comment on the plans and reports.

11 (f) Provide comment on the plans and reports under section 11
12 as the panel considers appropriate to state agencies and the owner
13 of each nuclear power plant and in the annual report described in
14 subdivision (b).

15 Sec. 11. (1) At each meeting of the panel, the United States
16 Nuclear Regulatory Commission state liaison officer shall provide
17 the panel with a report regarding the decommissioning plans for
18 each nuclear power plant in this state, including any site
19 assessments and post-shutdown decommissioning assessment reports.

20 (2) At each meeting of the panel, the operator of each nuclear
21 power plant shall provide the panel with a detailed, current report
22 on the nuclear power plant's decommissioning fund, including fund
23 balances, credits, debits, debit purposes, and budgeted
24 decommissioning and site restoration expenses.

25 (3) As the chairperson of the MPSC considers appropriate, the
26 owner of a nuclear power plant shall assist LARA in providing
27 administrative support to the panel under section 7(a).

