

INDIAN POINT NUCLEAR DECOMMISSIONING
OVERSIGHT BOARD
BYLAWS

I. TITLE AND AUTHORITY

On December 31, 2020, Governor Andrew Cuomo directed the Department of Public Service to establish the Indian Point Nuclear Decommissioning Oversight Board.

II. MEMBERS OF THE INDIAN POINT NUCLEAR DECOMMISSIONING OVERSIGHT BOARD

(a) The Indian Point Nuclear Decommissioning Oversight Board (“Board”) shall consist of state officials, scientific and technical experts, local officials, labor union representatives, environmental groups, and other interested stakeholders. Members shall be appointed by the Chair of the Board as follows:

- At the discretion of the governor, staff of the executive chamber, including but not limited to members of the governor’s offices of energy and education;
- The CEO of the department of public service (or their designee);
- The commissioner of environmental conservation (or their designee);
- The secretary of state (or their designee);
- The commissioner of taxation and finance (or their designee);
- The commissioner of labor (or their designee);
- The commissioner of economic development (or their designee);
- The commissioner of the division of homeland security and emergency services (or their designee);
- The president of the New York energy research and development authority (or their designee);
- The CEO of the New York power authority (or their designee);
- The county executive of Westchester County (or their designee);
- The mayor of the village of Buchanan (or their designee);
- The superintendent of the Hendrick Hudson school district (or their designee);
- The supervisor of the town of Cortlandt (or their designee);
- The member of the State Senate from the district representing the aforementioned local governments (or their designee);
- The member of the Assembly from the district representing the aforementioned local governments (or their designee);
- The county legislators representing the aforementioned local governments (or their designees);
- A representative of a labor union whose members are employed at the Indian Point nuclear generating facility;
- Representative(s) of a labor union whose members are employed at the Indian Point nuclear generating facility through contracted service providers;
- A technical expert with knowledge of decommissioning and spent nuclear fuel management issues; and
- A representative of the environmental community.

(b) Members of the Board described in section (a) above may designate a representative to participate on the Board on their behalf. Such designation should be made in advance and in

writing to the Chair.

- (c) Any member may resign at any time by providing advance written notification to the Chair of the Board.

III. OFFICERS/LEGAL COUNSEL

- (a) The CEO of the Department of Public Service (“DPS”), or the CEO’s designee, shall serve as the Chair of the Board. The Chair shall be responsible for presiding over the meetings of the Board and the administration of its affairs.
- (b) An attorney within the DPS Office of General Counsel shall serve as legal counsel to the Board and shall represent the Board at the direction of the Chair; for the avoidance of doubt, the client for the purposes of this representation shall be the Board and not any individual member thereof.
- (c) The Chair may designate a member DPS Staff as Secretary to the Board.
- (d) The Chair may hire and appoint an Executive Director of the Board and any staff deemed necessary or advisable to support the work of the Board, and the Chair may assign duties to, manage, and direct the Executive Director and staff as needed or advisable.

IV. POWERS AND DUTIES

- (a) The Board shall assess decommissioning activities at the Indian Point nuclear generating facilities and assess how to protect the financial, environmental, and physical interests of the communities affected by the decommissioning of the Indian Point nuclear facility, including the interests of the workforce as it relates to continuing the public safety of the surrounding communities. The Board shall make recommendations to the facility owner related to decommissioning and spent fuel management activities and, if warranted, make recommendations for regulatory actions by relevant jurisdictional bodies in local, state, and federal government.
- (b) The Board shall provide a forum for public outreach, education, and dialogue on matters related to decommissioning and spent nuclear fuel management.
- (c) Each member of the Board is allowed one vote for purposes of approving any Board recommendation.

V. MEETINGS

- (a) Meetings of the Board shall be called by the Chair.
- (b) The Board shall convene at least three times per year.
- (c) Whenever possible, the Chair shall provide the Board with written notice at least ten (10) calendar days prior to each meeting of the time, place, and purpose of such meeting. Such notice shall be accompanied, if practicable, by such background information as the Chair determines may be necessary to facilitate discussion at the meeting.
- (d) Emergency meetings may be convened with twenty-four (24) hours’ notice.
- (e) The Chair shall furnish public notice of all meetings. Meetings of the Board shall be open to the public; the Board may convene a non-public executive session to discuss critical infrastructure, security, or confidential business information issues.
- (f) A majority of the Board shall constitute a quorum. No action may be taken by the Board without a quorum present.
- (g) The Chair shall provide for the keeping of minutes of the proceedings of the Board and for the preservation of documentary records pertaining to the actions and proceedings of the Board,

which may be performed by the Secretary to the Board or Chair's designee.

- (h) All decisions or actions by the Board shall require an affirmative vote of at least a majority of a quorum of the Board present for a vote.

VI. TREATMENT OF CONFIDENTIAL INFORMATION

- (a) Confidential Information received by a Board member by virtue of the member's position on the Board shall not be used for the member's personal benefit or for the benefit of any other person or organization outside of the Board, or to further the member's own personal advantage or financial interests or the policy or financial interests of other entities or persons.
- (b) These confidentiality provisions shall apply to all Board members.
- (c) "Confidential Information" means confidential information, trade secret, or proprietary intellectual property obtained as a result of participation as a member of the Board that has been submitted to the Board by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
- (d) Confidential Information shall not include: information that (i) has been or becomes publicly available; (ii) was previously known to the member; (iii) is independently developed by the member; (iv) is received from a third party who, to the knowledge of the member, is entitled to disclose it; (v) is disclosed by the member with the owner of the confidential information's prior written approval.
- (e) Every Board member shall protect and shall not disclose Confidential Information, except that the member may disclose Confidential Information to its employees, so long as those employees have a need to review the information and are legally obligated to honor and comply with the confidentiality provisions herein.

VII. CONFLICTS OF INTEREST and GIFTS

- (a) A "Conflict of Interest" includes any known existing, potential, apparent or perceived conflict of interest that compromises or reasonably may appear to compromise the ability of the Board to receive informed yet objective advice in exchange for compensation to the individual or entity providing such information. A Conflict of Interest is not deemed to arise merely by virtue of a member of the Board participating in activities or deliberations in the course of appointed duties and in so doing providing advice from the perspective of the organization or entity to which the member is affiliated. A Conflict of Interest may arise, however, when a member of the Board, or an entity to which such member is affiliated, executes, or responds to a solicitation for, a contract for services in support of the work of the Board, whether it is with respect to a procurement by the Board, or one of its affiliated agencies.
- (b) These Conflict of Interest provisions shall apply to all Board members.
- (c) In the event any such member believes, or has a question with respect to whether, a Conflict of Interest exists, the member has a duty to disclose the potential Conflict of Interest to the legal counsel to the Board. Such legal counsel will work with the member to determine whether a Conflict of Interest does in fact exist, and if so, to mitigate or eliminate, most likely through a recusal framework, the Conflict of Interest.
- (d) Board members shall not accept gifts or anything of value where (a) it could reasonably be inferred that it is a gift intended to influence the member in the performance of the member's Board duties; or (b) it was given as a sign of appreciation for Board service. It is advised that a

member seek guidance from the legal counsel to determine the appropriate course of action in a particular circumstance.

- (e) No person who holds any relationship to, employment relationship with, or financial interest in any company with an ownership or other financial interest in any nuclear plant in the state, including related or parent companies, subsidiaries, contractors, agents, shareholders, or others (as determined by the state) may serve on the Board.

VIII. AMENDMENTS

- (a) These rules of procedure may be amended by resolution put forward by any member of the Board and adopted by a majority vote of the Board.