

BY-LAWS OF
THE RHODE ISLAND ATOMIC ENERGY COMMISSION

Article 1. GENERAL

1.01 Name - The name of this commission shall be the Rhode Island Atomic Energy Commission (Commission).

1.02 Location - The Commission shall be located in Narragansett, Rhode Island. The postal address shall be:

Rhode Island Atomic Energy Commission
Rhode Island Nuclear Science Center
1 Reactor Road
Narragansett, RI 02882

1.03 Authority and Purpose- The Rhode Island Atomic Energy Commission was established by Act of the General Assembly (Title 42, Chapter 27) in 1955. The Rhode Island Nuclear Science Center was established by Act of the General Assembly (Chapter 142, Laws of 1958) on May 20, 1958 and approval of the electorate in November, 1958. Title 42, Chapter 27 and Chapter 142, Laws of 1958 are a part of these by-laws.

The Commission shall possess and exercise the authority, power, duties and functions conferred by the provisions of sections 2, 3, 4, and 5 of 42-27 and section 6 of Chapter 142 and by any subsequent amendments thereto; and by the provisions of State laws, rules and regulations not inconsistent with the forgoing.

The Commission shall (1) make studies as to need, if any, for changes in laws and regulations administered by any agency of the state that would arise from the presence within the state of special nuclear materials and byproduct materials and from the operation herein of production or utilization facilities, and, on the basis of such studies, to make such recommendations to the governor and the general assembly for the enactment of laws or amendments to laws or the promulgation of regulations as may appear necessary and appropriate; (2) advise the governor and the general assembly with

respect to atomic industrial development within the state; (3) coordinate the development and regulatory activities of the state relating to the industrial and commercial uses of atomic energy; (4) cooperate with the federal atomic energy commission and with like commissions or agencies of the other states in all matters relating to the purposes herein set forth; (5) contract for, construct and operate a nuclear reactor within the state for the purpose of research experimentation, training personnel, testing of materials and techniques, and for such other purposes related thereto which the commission shall deem necessary for the health, welfare, and economy of the people of this state; and in this respect to cooperate with and make available, under proper safeguards, the use of said reactor by the colleges, universities and industries of this state and to contract for and engage engineers, technicians, and other assistance; (6) recommend when it is appropriate for the Governor to enter into an agreement with the proper authorities of the federal government for transfer of regulatory responsibility from the United States Atomic Energy Commission to the State of Rhode Island and Providence Plantations.

Article 2. MEMBERSHIP PROVISIONS

- 2.01 Appointment of Members- Pursuant to section 1 of 42-27, the Commission shall consist of 5 members to be appointed by the Governor, one of whom shall be designated by the Governor as chairman.
- 2.02 Terms of Office - During the month of March in each year, the Governor shall appoint a member to succeed the member whose term will then next expire to serve for a term of 5 years and until his successor shall be appointed and qualified.
- (a) A member appointed to fill a vacancy shall serve only for the unexpired term.
 - (b) Any member shall be eligible to succeed himself/herself subject to a positive vote by at least three commissioners.

- (c) Vacancies - In order to provide for a balance of skills on the Commission, the Commission shall submit to the Governor for his consideration, to the extent possible, the name of several nominees for each vacancy.
- (d) Resignation - A member may resign at any time upon written notice to the Governor at least 15 days prior to the effective date thereof.
- (e) Appointment of Designees - No member may appoint a designee to participate in the deliberations of the Commission meetings in the absence of such a member.

Article 3. ORGANIZATION

- 3.01 Officers - The Governor shall appoint the Chairman of the Commission. The Commission shall elect annually from among its own members a Vice-Chairman and a Recording Secretary, each of whom shall serve for a term of one year or until a successor is duly chosen and qualified.
- 3.02 Committees - The Commission may designate standing and ad hoc committees subject to the following provisions:-
 - (a) The Chairman shall appoint the members of all committees and shall designate the Committee Chairman.
 - (b) Committees shall have no separate substantive powers or authority for actions or decisions not ultimately subject to the approval or disapproval of the Commission.
 - (c) Meetings of committees shall be conducted in accordance with the terms of and conditions imposed by Sections 5.1, 5.4, 5.6 and 5.8 of these by-laws.
 - (d) A quorum for the transaction of committee business shall

consist of a simple majority of its members.

- (e) The Chairman shall serve ex-officio as a member of all committees but the Chairman shall not vote on matters of Committee business and shall not be counted for the purpose of determining the presence of a quorum of a committee.
- (f) Committees may appoint such other officers and adopt such forms of organization and procedure as are not inconsistent with the specific provisions of these by-laws or with such general provisions respecting committees as may be imposed, from time to time by the Commission.
- (g) The Chairman may appoint non-commissioners to committee membership. However, a non-commissioner appointee may not serve as Committee Chairman. In addition, the majority of committee members shall be commissioners.

Article 4. DUTIES OF OFFICERS

- 4.01 Chairman - The Chairman shall preside at all meetings of the Commission. He shall appoint the membership of all standing and ad hoc committees and shall designate the Committee Chairman. He may assign such additional duties to other members of the Commission as he deems necessary to assist him in the conduct of the work of the Commission and which are not inconsistent or conflicting with the duties prescribed for those officers by the legislation or by these by-laws.
- 4.02 Vice-Chairman - In the absence of the Chairman at any general or committee meeting, the Vice-Chairman shall be fully vested with all of the duties and prerogatives of the Chairman. The Vice-Chairman shall otherwise assist the Chairman as required.
- 4.03 Recording Secretary - The recording secretary shall:

- (a) Keep or cause to be kept at the office of the Commission a file of approved minutes of all meetings of the Commission, recording therein the time and place of holding, whether regular or special, the names of those Commission members present and absent, a record by individual members of any vote taken; and any other information relevant to the business of the Commission that any member of the Commission requests be included or reflected in the minutes, and the proceedings thereof;
 - (b) As custodian of the records of the Commission, have available at all reasonable times and exhibit on request therefor, to any member of the public, the by-laws, a current membership list, and/or the minutes of open meetings of the Commission subject to applicable statutory provisions;
 - (c) Perform such other duties as may be prescribed by the by-laws or which may be delegated by the Chairman or prescribed by vote of the membership.
 - (d) With approval of the Chairman, the Secretary may delegate part or all of his/her responsibility on a temporary basis and as needed to another commissioner or a member of the RINSC staff.
- 4.04 Vacancies; Removal - A vacancy in any elective office shall be filled by the Commission for the unexpired term at any meeting, but such action shall await the receipt by the Commission of a report from a Committee duly appointed and constituted for the purpose of making nominations to vacant office. Any officer elected by the Commission may be removed from office with or without cause at any time by the affirmative vote of a majority of the entire membership of the Commission.

Article 5. MEETINGS

- 5.01 Open Meetings - Pursuant to General Law 42-46, every meeting of the

Commission shall be open to the public unless closed by an affirmative vote of the majority of Commission members for one or more of the following reasons:

- (a) Any discussions of the job performance, character, physical or mental health of a person or persons provided that such person or persons affected may require that such discussions be held at an open meeting;
- (b) Sessions pertaining to personnel matters, collective bargaining or litigation, or work sessions pertaining to the same;
- (c) Discussion regarding the matter of security including but not limited to the deployment of security personnel or devices;
- (d) Any investigative proceedings regarding allegations of misconduct either ethical, civil, or criminal;
- (e) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of public held property wherein advanced public information would be detrimental to the interest of the public;
- (f) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.
- (g) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including but not limited to state lottery plans for new promotions. The vote of each member on the question of holding a meeting closed to the public and the reason for holding such a meeting, by a citation to at least one reason stated above shall be recorded and

entered into the minutes of the meeting.

5.02 Annual Meeting - An annual meeting of the Commission shall be held during the last calendar quarter on a date to be designated by the Commission. At each annual meeting, the Commission shall:

- (a) Elect officers to serve until the next annual meeting;
- (b) Adopt and forward to the Governor (in January of next year) its recommendations for appointment of members to the Commission.
- (c) Transact such other business relative to its organizational or other affairs, as it deems pertinent.

5.03 Business Meetings- All meetings at which the Commission is formally convened to carry out its statutory responsibilities and functions, including the Annual Meeting, shall be business meetings.

5.04 Time and Place of Meetings -

- (a) Meetings shall be held at such time and place as shall be specified in the call of the meeting.
- (b) Business meetings shall be called at the direction of the chairman. The Chairman upon the request of two members of the Commission shall call a meeting in accordance with section 5.5.
- (c) Committee meetings shall be held at the call of the Committee Chairman at a time and place designated.

5.05 Notice of Meetings -

- (a) Public notice of all business meetings of the Commission shall be given by posting a notice of date, time and place on the State of Rhode Island Department of Administration website and at the front entrance of the Rhode Island Nuclear Science Center, at least five business days prior to the date of the meeting.
- (b) Each member of the Commission shall be notified in writing of all business meetings, including the agenda thereof, at least five (5) business days prior to the date of the meeting.
- (c) Nothing contained herein shall prevent the Commission from holding an emergency meeting at the discretion of the Chairman or request of at least two commissioners..

5.06 Rules of Order - All business meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised unless inconsistent with specific provisions of these bylaws.

5.07 Quorum- The presence of a majority of members shall constitute a quorum for the transaction of business at any regular or special meeting of the Commission. No business shall be acted upon by the membership of the Commission at any meeting at which a quorum, as herein defined, is not present and the only motion which the chair shall entertain at such meetings is a motion to adjourn the meeting to a stated time and place.

This shall not preclude the Commission from discussing issues of business in the absence of a quorum provided no action is taken on such terms of business. Adequate notice of the time and place of such adjourned meetings shall be made to the membership in accordance with the by-laws herein.

5.08 Voting- Each Commission member shall have one vote which shall be exercised only by that member and only when in attendance. The use of secret ballots is prohibited at business or committee meetings. The use of alternates or proxies likewise is prohibited.

Article 6. PUBLIC INPUT

Members of the public who wish to impart information to the Commission may express this desire to the Chairman. All information submitted to the Commission must be transmitted to the Chairman in writing at least 48 hours in advance of a meeting. By majority vote of the Commission, after a review of the written information, the individual may be asked to meet with the Commission for the purpose of providing information orally and/or answering questions. By majority vote, the Commission may limit the amount of time allowed a speaker for an oral presentation.

Article 7. AMENDMENT OF BYLAWS

These by-laws may be amended at a business meeting by the affirmative vote of three (3) members of the Commission; provided however, that the substance of the amendment to the by-laws shall have been stated at a previous business meeting and shall be restated in the notice of the meeting to the Commission at which final action on the proposed amendment is contemplated.