

# **Committee Meeting**

of

## **ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE**

*“Testimony related to the potential license extension for the  
Oyster Creek Nuclear Generating Station”*

**LOCATION:** Lacey Township Middle School  
Forked River, New Jersey

**DATE:** February 10, 2005  
7:00 p.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman John F. McKeon, Chair  
Assemblyman Michael J. Panter, Vice Chair  
Assemblyman Robert M. Gordon  
Assemblyman John E. Rooney



### **ALSO PRESENT:**

Carrie Anne Calvo-Hahn  
*Office of Legislative Services  
Committee Aide*

David Eber  
*Assembly Majority  
Committee Aide*

Thea M. Sheridan  
*Assembly Republican  
Committee Aide*

*Meeting Recorded and Transcribed by*  
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**ASSEMBLYMAN JOHN F. McKEON (Chair):** Welcome to everyone. And I should be saying thank you for welcoming us.

I'm going to start by thanking Mayor Gary Quinn. Mayor Quinn, and the entire governing body of Lacey Township, are at their borough hall where they have very important budget hearings this evening. I know that they're taping these proceedings so they can have an opportunity to review them.

I believe Mayor Quinn's going to do his best, before we adjourn this evening, to get here to make a public statement and express his opinion to the Committee. But we did have a chance, just a while ago, over at Oyster Creek.

The members of the Committee, who I'm going to have -- give themselves the opportunity to introduce themselves to you and to their districts -- met over at Oyster Creek today, about 4:30. I'd like to thank all of those incredibly gracious and professional individuals over at Oyster Creek, particularly the Site Vice President, Bud Swenson. Bud, along with his management team, led the members of the Assembly that were present, along with our staff members. We also brought Mr. Kent Tosch with us, who's the Manager of the New Jersey State DEP, Bureau of Nuclear Engineering Department, to add some professionalism, along with all of us. And, in effect, we were able to tour all the various aspects of the plant to help us further clarify things in our own mind, relative to the evaluative process that we've undertaken.

Let me just take a moment to--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can we start off with the Pledge of Allegiance, please?

ASSEMBLYMAN McKEON: Sir, I'm going to have everybody introduce themselves.

I'm going to tell you all now, I expect everybody to conduct themselves in a dignified and orderly fashion. I understand the passion that this issue brings -- those who feel the very safety of their families and those around them are at risk, others who are thinking not only of safety but, of course, their own professional livelihoods and the livelihood of this community.

That having been said, if the people do not conduct themselves correctly, then they're going to be asked to leave and be escorted by the State Troopers -- from doing so. So if one would like to speak, that will happen when their name is called, and they will go to the microphone.

I'm going to start off by limiting everybody to five minutes of time.

The Committee is going to do its best. We learn a lot more by listening than speaking. So, after this introduction, most of what we'll do is call names and then just listen. We'll also do that in reverse order. The individuals that we've asked to sign up to testify have stated either in favor or against. So we're going to be balanced in listening to both sides, to the extent possible, in alternating order.

The other thing we're going to try to do is, by looking at the town of your residence -- is the reason for being here, beyond to all of us wanting to take the tour, as opposed to going to Trenton in the middle of the afternoon,

when it would be very difficult for working people to get there -- is for the people that are local to Lacey and to this county to be heard from. So we're going to weight things relative to people that are most local to this area.

So with that, I'll start to my right.

Assemblyman Rooney.

ASSEMBLYMAN ROONEY: Thank you very much.

I want to thank everybody for having us here.

It was an interesting tour that we went on. It's my first trip to a nuclear power plant. I was impressed, especially by the security of--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

ASSEMBLYMAN ROONEY: I'm sorry.

Thank you for inviting me here.

I just came from my first tour of a nuclear power plant. I was very impressed, especially by the security getting in.

We're here to listen, as the Chairman said.

I'll just give you a little bit of my background. I happen to be the Dean of the Assembly. I've been there for 23 years. I've chaired this and other committees similar to it on hazardous waste. And I've dealt with issues of this magnitude for a long time.

Again, we're here to listen, so I'm not going to say anything further.

ASSEMBLYMAN McKEON: John, your district, just so everybody knows.

ASSEMBLYMAN ROONEY: I'm sorry. I'm from District 39, which is Northeast Bergen County. We have 28 towns in the district.

I was at a Committee meeting this morning in Teaneck on transportation issues on rail freight, and the noise, and the pollution associated with it. So I'm going from one situation where we've had problems with neighbors to another.

So thanks again for inviting me.

ASSEMBLYMAN McKEON: Go all the way to my left, Assemblyman Gordon.

ASSEMBLYMAN GORDON: Thank you, Mr. Chairman.

Good evening, everyone. Thanks for coming out this evening.

I'm Assemblyman Bob Gordon. I represent the 38th district, which is Central Bergen County, 13 towns stretching roughly from Paramus and Fairlawn in the west, across Bergen County to the Hudson and Fort Lee, Cliffside Park, and Edgewater.

Professionally, I am a consultant in the field of emergency management, so I have a keen interest in the emergency management issues surrounding nuclear power plants and chemical facilities.

While the State may not have much jurisdiction over licensing issues, we certainly do have a lot to say about the safety, and evacuation planning, and security of nuclear power plants and other high-risk facilities. And I'm going to be focusing much of my attention in that area.

Again, thank you very much for coming here and for sharing your views with us.

ASSEMBLYMAN McKEON: Assemblyman Panter.

ASSEMBLYMAN PANTER: Good evening, everyone.

My name is Michael Panter. I'm an Assemblyman. I guess I represent the southern most district among my colleagues up on the panel here. I represent central New Jersey, from Redbank in the east in Monmouth County, all the way out through the Mercer County towns of East Windsor and Hightstown. So my district is kind of a wide swath across the entire part of central New Jersey.

Just to reiterate what Bob said -- because I don't want to say too much -- the purpose of us being here is really to hear from you and not vice versa. This has been a process that I've been invested in and had an interest in for some time, given the proximity of my district to Ocean County, and to Lacey itself.

We've had one public hearing which took place -- and many of you were probably there, because I see some familiar faces -- just about two months or so ago. We have toured the plant, as John mentioned, and have really had the benefit of speaking with a number of folks on both sides of this issue. And I think that although -- as Assemblyman Gordon said -- this will ultimately be the decision of the Nuclear Regulatory Commission, this is not the type of decision, regardless of where you stand on this issue, that New Jersey can be passive about. Because the reality is that this is in our backyard. And for better or worse, whether we support Oyster Creek and believe it should continue to function, or whether we believe there are concerns that we have to voice to the Federal government, I think New Jersey has to have a very loud voice.

But this Committee is committed -- and John McKeon has done an excellent job at this, in my opinion -- of making sure that we don't jump to

any conclusions. Because none of us -- although we have a keen interest in the environment, and it's the policy area we focus on in Trenton -- none of us are nuclear physicists. Ultimately, none of us are security experts. But we need to know to ask the right questions, and to hear from you who live in the community, and what you think we should be focusing on so that we are adequately representing your views.

So I look forward to hearing from you tonight. And thank you very much for the hospitality of having us here in Lacey.

ASSEMBLYMAN McKEON: Thank you much, Assemblyman, for your kind words.

And I should have introduced myself before. I'm John McKeon, and I represent the 27th district. And I have the privilege to be the Chairman of the hardest working Committee in the Legislature, bar none, relative to our taking our act on the road, so to speak, quite frequently. We did the same relative to our evaluative process on the Highlands legislation, and will continue to do so here.

As Assemblyman Panter indicated, we met once, for about four or five hours, in Brick. We're here tonight in Lacey, as we promised we would that day, as we did to many of the employees that were there.

Assemblyman Manzo, from Hudson County, a member of this Committee-- We think he's still trying to sneak into the plant, and he's being beaten and tortured as we speak. But he couldn't be here, but will come down to take that tour, as will Assemblyman Gusciora, who is from Mercer County, who rounds out the members of our Committee who will take the tour and also continue.

I know there will be at least two more public hearings, potentially three, one of which will take place in Trenton. That will be a joint Committee hearing with our Committee on Homeland Security. We're going to tap into their expertise, relative again to help in our whole evaluative process.

So one thing I promise each and every one of you -- although we bring opinions, like we do as jurors or otherwise when we're so selected or serve in that regard -- none of us are predisposed to make a decision, one way or the other, as far as what our recommendation ultimately will be to the NRC. That's why we're here to listen.

So, again, I thank you for being here. It's very important to us to do, hopefully, the right thing.

And I'm going to start.

ASSEMBLYMAN ROONEY: Just--

ASSEMBLYMAN McKEON: Oh, John, go ahead, please.

ASSEMBLYMAN ROONEY: One additional comment. I forgot to thank my navigator for getting me here tonight.

I'm also the Mayor of Northvale. He happens to be a Councilman in Northvale, but he also happens to be one of your neighbors. He has a summer place here in Lacey Township. Councilman Wayne Warrington, from Northvale, accompanied me today. So he has the job of getting me home tonight -- figure out a way to get back.

Thank you.

ASSEMBLYMAN McKEON: Okay.

I'm going to start with Dr. Donald Louria.

Dr. Louria, when you come up to the microphone, just please, again, repeat your name for the record, your address. And, again, try to keep it to five minutes.

As we get further into the evening, we might start to make it two and three, because I'd really like everybody to be heard.

**D O N A L D   L O U R I A,   M.D.:** Thank you.

I'm Dr. Donald Louria, from the Department of Preventative Medicine at the New Jersey medical school. And I'm going to cover some generic issues that include this particular plant.

My view is that--

I should say that I speak for myself, not for the University of Medicine and Dentistry. I do speak for the Nuclear Policy Research Institute.

I believe that this plant should be closed and that we should close all nuclear power plants and not build any other. And there are four reasons for that conclusion.

First relates to the issue of whether or not those living within 10 to 15 miles of a given nuclear power plant are safe, or whether there is an increased risk of certain cancers. There are now multiple credible studies around nuclear weapons facilities, around nuclear fuel reprocessing facilities with unintentional -- that is, accidental -- releases -- Three Mile Island. And there are two studies -- one in the United States, one in the United Kingdom -- indicating increased cancer rates around plants that have had no unusual emissions. And, presumably, the findings relate to their routine emissions.

Now, these are all controversial. So has it been proved that those around the plants are at risk of increased cancer? Answer: no. Is there a

concern that this might be the case? The answer is, yes. Do we need more studies with larger numbers of plants and larger numbers of people before we can draw any conclusions that are definitive? Answer: absolutely. But can anyone treat the findings of these studies dismissively and say, dogmatically, that there is no danger to those living within 10 to 15 miles of nuclear plants in the United States? The answer is that nobody can make such a statement.

Number two: These plants are accidents waiting to happen. As you all know, one-quarter of the plants in the United States have been out of service for periods of a year or more because of safety or design concerns. I think you could say with certainty that, sooner or later, there are going to be one or more significant accidents with release of substantial amounts of radiation.

Number three: These plants are attractive to terrorists. That applies not only to the plant, but also to the materials that are stored -- the spent fuel rods. And there is no certainty that we are secure enough against that kind of attack.

Fourth, and my major concern -- as it has always been -- is that these plants are inherently dangerous, and they carry with them unacceptable dangers because of the high level nuclear waste. And we, as everybody in this room knows -- we have no way of solving the problem of high-level nuclear waste.

And I would point out that, if Yucca Flats ever opens, that on the day it opens, we will need, for the future in the United States -- the future of the next few decades -- two more repositories. At least one of which is likely to be built in the East, because that's where most of the plants are. And I

would submit that if any state, including the State of New Jersey, has nuclear power plants emitting substantial amounts of high-level waste -- that that state must be prepared to consider itself as a potential candidate for a high-level nuclear waste repository. And I don't think that's anything that the Legislature or the citizens of New Jersey would like.

So my summary is that because we have this problem that nobody has been able to solve, and because these plants are, therefore, inherently dangerous, I would submit that ones that exist should be closed and no new ones should be built.

Now, if anyone is going to say something like that, then there has to be one addition. Do we have viable alternatives? Well, the answer is, yes. The plants in New Jersey, all of them, supply about 8 percent of our energy. This plant supplies well less than 1 percent of our energy. We could cope with that issue easily by proper conservation in the State of New Jersey.

ASSEMBLYMAN McKEON: Professor, I'm going to ask that you wrap it up the best you can.

DR. LOURIA: Yes.

I would submit that what we ought to be doing is supporting environmentally friendly generation of energy, and that we should be supporting newer technologies: hydrogen, fusion, possibly even nanotechnology, that are far less dangerous and much more environmentally friendly.

Thank you. (applause)

ASSEMBLYMAN McKEON: Professor, thank you for being here.

And I appreciate-- You know, I'm not going to be a tyrant up here and ask you not to applaud. But the best you can hold off -- it would be helpful, because more people would get a chance to speak.

Mr. Sterling, former mayor, I believe, of Forked River.

And on deck is Regina Discenza.

Mayor, welcome.

**R O D S T E R L I N G:** Good evening. Thank you very much.

There are some issues that come about -- that it's very, very easy to oppose, it's very, very easy to jump on. And I'm not referring to the physician that just spoke -- private citizens. I'm talking about those in elected office.

As an example of those issues, we might take, for example, the Martin Luther King holiday of some years back; the Megan's Law, here in New Jersey-- Not being opposed to either of those things, but both of them rushed through the various legislative bodies. Very few people wanted to stand up and say they were opposed to either of those things.

The political issue is, this has come about -- is filled with this-- There's a great many local elected officials that have opposed the power plant. They do so without training and without a downside to coming out, because even people that are not particularly upset by the existence of the plant, nevertheless, do not take them to task for having come out in opposition to the plant.

Now, I have no training whatsoever in nuclear engineering. But I am well acquainted with the people that have served here at this plant. You'll never hear the opponents talk about the fact that the NRC has engineers here

on a permanent basis. They don't come around and inspect every six months or every three months. They're here on a day-to-day basis. That's their job -- just to oversee this plant.

These people graduated from Stevens, MIT, Caltech, Georgia Tech. They're very well trained and highly qualified to do it. And yet, people come out and indicate that they don't know what they're doing -- people that have no training themselves and cannot pinpoint the thing.

The gentleman that spoke before me -- the physician, for example -- came up and gave -- he spoke in opposition, as is his right. And he was introduced as a doctor, and yet he gave no scientific evidence. He talked about somebody proving something to the contrary, which is an impossibility to do.

There is no evidence of this. Public safety must come first, must come first. Regardless of any economic factors or anything else, it must come first. But as far as, like, creating other agencies, having other studies done-- That's what the NRC is for. If, in fact, somebody feels that their techniques, their methods are flawed, then we ought to deal with defense about that. I don't really see any evidence of that. And, consequently, I feel that we ought to rely upon these people who have to breath the same air that we do.

Corruption doesn't seem, to me, to be a common factor in a Federal agency such as the NRC. It might occur elsewhere, but it seems highly unlikely that it would occur there. I feel these are the people that have been trained, these are the people that have been hired to protect us in these issues, and that's who we should rely upon.

Thank you very much, ladies and gentlemen. (applause)

ASSEMBLYMAN McKEON: Mayor, thank you for your statements.

Ms. Discenza, thank you for being here.

And Roger Gayley, you're going to be next.

**R E G I N A D I S C E N Z A:** Thank you very much for allowing me to speak early.

My name is Regina Discenza, and I live in the Sunrise Beach section of Forked River, east of Route 9, within three miles of Oyster Creek.

Tonight I speak as a private citizen and Lacey resident. I'd like to speak to you about what I feel is a completely unworkable evacuation plan.

A little over two years ago, I formed a group, The Concerned Citizens of Lacey, when we found out the Township had received plans for a very large retail center, 300,000 square feet, only nine-tenths of a mile from my home, which would include a Home Depot at the corner of Sunrise Boulevard and State Route 9. The traffic projected for this site, at peak Saturday shopping hours, was 6,000 cars. We have extreme difficulty getting from one end of town to the other now.

A short time later, another developer came along with a proposal for a 157,000 square foot Wal-Mart on the site of the former Good Luck Farm in Lanoka Harbor, on Route 9, at Haines Street. Projected peak traffic for this development: 11,000 cars per day.

Growth in Lacey is taking place at an incredible rate. The Township is chasing ratables to replace the loss of Oyster Creek, should it close. Open or closed, I think Oyster Creek presents a radiation risk as long as their trash, the spent fuel rods, lie out on the front lawn.

With more than 10 major projects on the horizon, Lacey is not being a considerate neighbor to its own residents, nor its Ocean County neighbors. The evacuation plan is unworkable and insufficient now. Our infrastructure cannot support the current traffic flow. How can the evacuation plan work efficiently? It's impossible with a two-lane road.

The plan states a 10-mile summer evacuation would take nine-and-a-half hours. How can this be accomplished with all the pending growth? The evacuation plan, in my opinion, is antiquated to begin with. It contains population statistics that are 14 years old, at least it did when I read it.

Sometimes it can take us 30 minutes to go four miles north or south on Route 9 when traffic is very bad. What will it be like after Lacey adds approximately a million square feet of retail space and almost 1,000 new homes? The details of these projects were on my written statement submitted December 2.

All of this growth is going to take place on our main roads. A power plant on a two-lane road all these years-- Measures should have been taken to widen Route 9 over the past 30 years, or limit Lacey's growth. San Onofre, in California, has an eight-lane interstate next to it. Diablo Canyon has a 12-mile access road, no homes.

How do I know this? My cousin has been in nuclear power for over 20 years. He worked the reactor at Oyster Creek briefly in the early '80s. I asked him several years ago whether or not Oyster Creek should be closed. He told me yes. When I asked him why, he gave the two logical reasons I hear over and over. "The reactor is obsolete, and the power it produces is minimal."

I never feared nuclear power until 9/11. But if anyone has ever been to the U.N. building in Manhattan, at the start of their tour in the lobby area, on display, are items from Hiroshima. No one wants to see any kind of radiation disaster.

Please consider that evacuation plan carefully.

ASSEMBLYMAN McKEON: Thank you very much for your testimony.

Mr. Gayley.

And on deck is Lynn Bauchkey, from Bayville.

I'm really sorry if I'm mispronouncing names.

**R O G E R G A Y L E Y:** Good evening, everyone. I want to thank you for the opportunity to speak.

My name is Roger Gayley. I'm a local resident of Lacey Township. I actually live in Lanoka Harbor, about two miles from the power plant. And I work at the power plant.

My primary reason for coming here-- I had a big decision to make. Do I come here, or do I go celebrate with my family my daughter's straight A grades again for this marking period -- for this very marking period?

ASSEMBLYMAN McKEON: I'm glad we called you soon, because I want you to go home and celebrate with your family as soon as you testify.

MR. GAYLEY: It's too late. They're already celebrating at the Chinese restaurant.

ASSEMBLYMAN McKEON: Bad choice, sir. You just lost it.

MR. GAYLEY: No, it's not a bad choice. It's important to me. I weighted back and forth.

Really, why I came up here is a couple of reasons. First of all, I want to thank you all very much -- very, very much for coming down and touring the plant. I was here -- Brick in December, and I suggested you come down, and you did. And I'm really, really happy about that.

And I know, having -- working at the plant -- I saw some of you folks come in towards the end of the day.

You've seen the plant now. You've talked to the people. And I feel good about the fact that you now have real information about what is going on down there. I know you folks all have families to deal with. You came out here.

That's what I want to say. I want to say thanks a lot for coming down.

Thanks.

ASSEMBLYMAN McKEON: Thank you very much. It was nice of you.

Get home to your daughter.

Ms. Bauchkey.

And, Michael Button, we're going to ask you to be next.

**L Y N N   B A U C H K E Y:** My name is Lynn Bauchkey. I'm a resident from Bayville, New Jersey.

I just want to give you a little explanation of how I came to this point.

Back on June 10 of last year, I was very concerned about the problem with Route 9, with the traffic. The DOT held a meeting at our Central Regional High School. Why? Development pressures and traffic congestion are increasing at unmanageable rates. We need initiative -- long-term solutions to maintain our community's quality of life.

From there, I went to the Ocean County Sheriff Department's meeting on July 21. I learned that they were going to put my son and the other children from Bayville School on buses and take them to Ocean County College. We do not have enough buses to start our four elementary schools at the same time. How are we possibly going to safely get all of our children to the college?

Another issue is-- My mom's with me. She's a senior. We have the largest senior population in the state. If anything happens, our seniors aren't going to go anywhere. Most of us aren't going to go anywhere. There's no way there's enough buses here to take us anywhere.

The population has exploded since the plant opened in 1969. The roads have stayed the same. There's nowhere to go. I'm a hostage to Route 9, with the rest of the people that live in Bayville.

A couple of weeks ago, we had an impending snowstorm. I was smart enough to get out early. I returned home at 10:00 in the morning. It was bumper to bumper traffic just to get provisions for a snowstorm.

If anything happens, whether it be the nuclear plant or anything, we don't have an evacuation route here. There's nowhere to go. People will be killing one another to survive. That's what will happen.

I attended the meeting in Brick, and I must say that I feel bad for the workers of the plant. I understand that when the new company took over, half the workforce was cut. I'm curious as to what happened to those people, and I feel bad for those people. I also feel bad for the 450 people that, if the plant does close, will lose their jobs. But I'm told that there is funds that will help take care of the workers. And when they took the job, they knew that the license was going to expire in 2009.

I drive through my town of Bayville, on Route 9, by Huntington's, which is a restaurant. And it says -- from the plant -- Oyster Creek employees -- "Save our Jobs." As a resident of Bayville and Ocean County, I would love to put one next to it that says, "Please Save Our Lives," because if anything happens, we're not going to go anywhere.

And everyone is telling you about 9/11. Well, let me tell you something. If the terrorists, whether it be domestic or international, hit our area in the summertime, it's going to be a gold mine for them, and it's going to be far worse than 9/11 ever could be. So I do ask you that if you could possibly bring to the attention of the NRC that we are overpopulated, we don't have an effective evacuation route -- because they do not look at that when they're going to give them another 20 years. And I beg of you to please bring this to their attention.

And one more thing before I end. It was yesterday's *Viewpoint*, from a resident from Berkley Township-- I don't know the man, but I do want to say what he says, because I think it sums it all up. "Most don't want the nuclear plant. In all the discussion of the Oyster Creek Nuclear Generating Plant in Lacey, one thing remains constant. The only people in favor of

keeping it running are those who benefit financially from its operation.” That’s from a Mr. Thorpe (phonetic spelling), from Berkley. I have no idea who he is. I applaud him, because I also agree.

Thank you very much. (applause)

**ASSEMBLYMAN McKEON:** Thank you very much for your testimony.

Mr. Button.

And next will be Jeff Brown.

**MICHAEL BUTTON:** Thank you.

I’m Mike Button, from Toms River, New Jersey. I’m a 20-year resident of Ocean County. I’ve lived in Lanoka Harbor. I currently live in Toms River. I want to also thank you for coming down and not just visiting the plant, but also coming down to Lacey Township, and visiting with the local municipality that hosts the plant and has hosted the plant for 35 years, and also listening to the concerns of your constituents, which I think is very important. And I know taking time away from your own family to serve us is very important. So I appreciate that.

I just want to speak to you today as an environmentalist. As I was growing up in Vermont as a child, I was a very strident environmentalist. And the technology of nuclear energy was kind of intriguing to a lot of us as we were growing up, because it was viewed as the environmental technology. I have worked in this industry for 25 years, and I can still consider this technology to be the cleanest technology available today.

This plant is in the best condition it ever has been, and continues to improve over time. This is proven by the collective radiation exposure of

the workers that work there this year. Last year -- our refueling outage -- we had the lowest dose ever in the history of the plant since its early operations. That is a testimony to the fact that we are constantly replacing components, cleaning components, and improving the performance of those components.

The operators and technicians that work at the plant are the most highly trained of any industry. To give you an example of what I'm talking about, think about the reactor operators that work at the plant. Reactor operators at the plant go through approximately two years of training prior to being allowed to sit through their license exam. That training includes not only the fundamentals of math, physics, sciences that are required to support the technology, but the detailed operation of every system in that plant. They need to physically walk down every area of the plant and perform on-the-job performance training and evaluation. They get evaluated not only by our own training staff, but by the Nuclear Regulatory Commission that performs these job performance measures.

They perform on an replica simulator. There's an exact replica of the plant control room, and they practice on that every six weeks. They perform training to fulfill their obligations. They take those obligations very seriously. I observe the performance of these operators on a routine basis, and I can tell you the behaviors that they exhibit are top-notch.

The Nuclear Regulatory Commission keeps a good eye on this process. The operators are not only licensed by the NRC, but the NRC tests them on a periodic basis to ensure that they still meet those requirements, and will revoke the license if they do not meet those requirements.

And, lastly, I'd just like to talk about why it's important to have a plant such as this in Lacey Township. Lacey Township needs a good neighbor. As an industrial facility -- as a ratable -- it's very important to have a neighbor such as Oyster Creek. Oyster Creek's operation in this area has been very quiet compared to other facilities. You were talking about -- earlier about the rail service and the noise from that. I would defy you to talk to the neighbors of the plant in Lacey Township -- what makes more noise: the Wawa that sits down the road a quarter mile or the nuclear power plant? The power plant is quieter. I would ask you, if you were sitting next to a gas station up on Route 9, up the road, what smells worse: the gas station or the nuclear power plant. The nuclear power plant smells better.

The discharge of Oyster Creek -- we've not had a liquid discharge in approximately 20 years. We take all the water that is used in the plant, we reprocess it, filter it, and put it back in the plant. We have a very high concern for the environment, and we respect the environment that we work in.

I appreciate, again, your time. And thank you very much.  
(applause)

ASSEMBLYMAN McKEON: Thank you very much, Mr. Button.

Mr. Brown.

And Mary Jensen will be next.

Jeff Brown.

**J E F F R E Y   B R O W N:** Thank you very much for this opportunity, Mr. Chairman and members of the Committee.

As a resident of Brick Township, as a former resident of Bergen County and Essex County -- both in your districts -- and as a citizen of the

United States, I am petitioning the Governor, through you and this Committee -- one, to oppose the renewal of the Oyster Creek Nuclear Generating Station's operating license.

Two, to operationalize this opposition and represent the best interests of the citizens of New Jersey during the Nuclear Regulatory Commission's license renewal process by appointing and fully funding a New Jersey Oyster Creek decommissioning task force, including representatives from the Attorney General's Office, the Department of Environmental Protection, and Board of Public Utilities and its Clean Energy Council, the Assembly Environment and Solid Waste Committee, local citizen groups, and other public interest organizations as deemed appropriate.

Three, to insist that Oyster Creek's full decommissioning fund, currently amounting to more than \$400 million, be utilized in order to completely decommission the Oyster Creek plant, so that the site is restored to its original environmental quality, and so that workers who may lose their jobs receive a just compensation package. AmerGen/Exelon should not be allowed to mothball the plant and its contaminated components, as the company has threatened to do, nor should they be allowed to pocket any of this ratepayer-funded decommissioning fund.

Four, to require that AmerGen/Exelon reinforce the vulnerable fuel pool, which sits over the reactor itself, sufficiently to withstand, at minimum, an airline attack comparable to the assault on the World Trade Center on 9/11.

Five, to vigorously enforce any and all laws and regulations that might reduce the plant's risk to public health, safety, and environmental well-being, including the Clean Water Act.

Six, to provide adequate financial support to the Radiation and Public Health Project so that it can expand its baby teeth study to include enough teeth to assure its statistical reliability. Both of the DEP's established monitoring systems, the CREST system and the TLDs, monitor for gamma radiation, not beta radiation like strontium-90. All 32 of these monitors lie within 2.8 miles of the plant. The majority of the 500 REMP, Radiological Environmental Monitoring Program, samples are also taken within close proximity of the plant, with some samples taken up to five to 10 -- pardon me, 10 to 15 miles from the plant.

ASSEMBLYMAN McKEON: Sir.

MR. BROWN: Yes.

ASSEMBLYMAN McKEON: About a minute.

MR. BROWN: The children from Brick, whose baby teeth were shown to contain strontium-90, live beyond this radius. We need a big enough scientific study to answer the question: Do children living in Oyster Creek's ingestion planning zone face a life-long health threat from this nuclear plant's operations?

Thank you very much.

ASSEMBLYMAN McKEON: Thank you for your testimony, sir.

MR. BROWN: Do you want copies?

ASSEMBLYMAN McKEON: Yes, thank you. Please submit it.

We'll distribute it to the entire Committee.

Ms. Jensen.

And Stephen Lazorchak is on deck.

**MARY JENSEN:** Good evening.

I used to live in District 40, so I can't say that I ever voted for you guys.

I wanted just to say a few things. The nuclear energy that we have here that's generated from power plants in the United States and all over Europe-- No one's considered that -- that Europe has used atomic energy power plants for over 40 years. They've had no problems, except, of course, Russia -- and Russia in Chernobyl had the problem of workers who were not trained. This is not at all what we have here.

I cannot understand how come the environmentalists aren't on your backs, because nuclear energy is a far better source of electricity than is gas, or coal, fossil fuels. These guys pollute. They cause smog and air pollution, and nuclear energy does not. Nuclear energy is also economically more better. It generates an enormous amount of energy for a very small expenditure of energy. Fossil fuels -- they are nonrenewable. We're not going to get them back. We can't do anything to make them be produced faster. The little fossils are working as hard as they can now, and we're using it up fast.

You might also consider that nuclear energy does not contribute to global warming. Everybody is all upset about global warming. Pretty soon Greenland is going to melt, and we're all going to be flooded, so it won't matter.

Some alternates have been suggested. Solar energy -- it's a little bit too far north to have that be an efficient source of energy. And everybody gets very alarmed about windmills, and killing the birds, and running into boats, and being an eyesore. So that's not really a good alternate.

This nuclear power plant, here in Lacey, has a large number of people employed here. Those people, in turn, contribute to the community. Their people go to school here, their people volunteer here, their people are all part of the community, and, as such, represent the nuclear plant, which also contributes to this community, both in money and in its -- in land.

Studies have been mentioned that diseases are caused by nuclear plants. I can give statistics, also, that go in the other direction. Statistics can be made to do whatever you want them to do. They work both ways. People died of radiation and cancer long before anybody ever thought of nuclear energy power plants.

Nuclear energy is used on another angle, as in medicine as treatment -- radiation treatment for cancers, for thyroid disorders. A lot of people here in this room have had tests with an MRI. The original name of that machine that you have to go through was nuclear magnetic. So they may not be aware of that.

And, finally here, hasn't it occurred to some of these people that the people that work at the power plant are just as keen on staying alive as everybody else? And if there were any chance that they were doing something that would harm themselves or their families, they wouldn't be doing it. I'm sure they have their own best interest at heart, and they're going to do all in their power to make sure that there are -- the safety concerns are there, that the security is there. And this plant has been -- parts have been replaced, people go under training. That was mentioned before. And there's nothing outdated about that plant except the people who are trying to close it. (laughter)

This plant is not going to blow up. It's not going to melt down. It's not going to just walk down the street and cause problems. It's not going to radiate the area. We're all going to be all right. I think some people need to go back to school and study nuclear energy. It's not all bad. You only hear about things that are major disasters, that have not happened very frequently.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you for your testimony.

Steve Lazorchak.

And John Magee on deck, please.

**S T E P H E N M. L A Z O R C H A K:** Good evening.

ASSEMBLYMAN McKEON: Thank you.

MR. LAZORCHAK: My name is Stephen Lazorchak. I am a self-employed consulting engineer in Toms River, New Jersey. And I'm a past employee of GPU Nuclear and Oyster Creek.

I'm here because I'm pro-nuclear, but I'm also against having this plant operate until I get some reasonable answers as to the security of the plant, in regards to an aircraft impact attack on the reactor building.

The reactor building is an obsolete structural design. Let me just describe what my problem is with the building. If you were to go up to elevation 119 foot, that's about 84 feet above ground level, you will come through a -- up through the stairwell located in one corner of the building. Next to the stairwell is an elevator. And next to the elevator is a 30x30 foot open hatchway or hole in the floor that will go all the way down to ground level. And that's for moving equipment from ground floor level all the way up to the refueling floor during outages.

The problem I have with this is that diagonally across from this stairwell -- if you walk across, you can go up to a handrail and look down into the spent fuel pool. You will see the hundreds of tons of radioactive spent fuel under 30 feet of water. At that same location, if you look straight up, you're going to see the roof trusses of the building. And above that, you're going to see corrugated sheet metal decking. The perimeter walls of this area are going to be steel columns supporting the roof trusses and sheet metal siding, basically, enclosing the whole area.

Below the refueling floor is a reinforced concrete structure several feet thick. All the vital equipment in the power plant is located within this concrete structure. This vital equipment is part of the system to shut down the reactor safely and maintain cooling to the spent fuel storage pool. My concern is really the spent fuel storage pool, because it's so vulnerable.

As part of an NRC directive, Oyster Creek was required to prepare load drop calculations for all floor levels in the reactor building. These calculations identified the amount of energy it would take to damage the floor slabs and floor beams if there was an accidental drop of a heavy load on the floor.

Using the calculations, and also a kinetic energy equation for determining force of a heavy object should it hit the floor, one can determine if you have an unsafe structural concern. The calculation is not very sophisticated. The calculation that is, is these load drop calculations from the power plant.

On my evaluation, I can demonstrate from a comparison. If you had the impact energy from only one, one-thousand-pound object traveling at

300 miles an hour, and you hit the reactor building's refueling floor at an angle of 30 degrees above horizontal, this impact will exceed the strongest floor beam by 500 percent. Impacting the weakest floor beam in that floor will exceed its capacity by 8,000 percent. These just orders of magnitude clearly demonstrate Oyster Creek's reactor building is an unacceptable safety risk to New Jersey.

The comparison I was looking for -- the velocity is critical for any object -- is if it hits hard enough, it will probably go through the floor system. As a comparison, I use 300 miles an hour for just one object, and I demonstrate there's a serious problem.

American Airlines Flight 11, that crashed into the World Trade Center Tower 1, was traveling at 350 miles an hour. United Airlines Flight 175 crashed into the World Trade Center Tower at 550 miles an hour.

Oyster Creek's relicensing Web site refers to an EPRI, December 23, 2002, report showing aircraft could not breach nuclear structures. This report analyzed a cylindrical domed structure, not Oyster Creek's square reactor building. The EPRI report used an impact velocity of 350 miles an hour. At 550 miles an hour, a large aircraft will penetrate the structural model used in the EPRI report.

My biggest concern is that the information that I have is easily obtained. And I've written the NRC, and my senators, and my congressmen. And I'm here today to express my concern to you. The information should be going to people like in NORAD. They're the only ones who will protect nuclear power plants from an air attack. If they don't have the confidential report that the National Academy of Sciences prepared and issued to Congress

last July, they may not even know they have a serious problem. And that's part of the concern I have.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Mr. Magee.

And next would be Mr. Morris.

**J O H N M A G E E:** Mr. Chairman, members of the Committee, and Lacey Township, I'd like to thank you for coming here tonight and hosting this very important event.

My name is John Magee. I am the Engineering Director at Oyster Creek. I appreciate you coming out to our site to see for yourself how well Oyster Creek runs, operates, and maintains.

I'm a resident of Stafford Township, where I live with my family, wife, and two children. And I am for the license renewal of Oyster Creek.

Tonight I could talk for hours about Oyster Creek's performance and provide you facts on the material condition, operations, and maintenance of our plant.

Can I have a couple of hours, sir? (laughter)

ASSEMBLYMAN McKEON: You can. You could start at midnight. We'll keep the recorders on.

MR. MAGEE: However, I offer all that are here tonight, and those that--

ASSEMBLYMAN McKEON: Honestly, Mr. Magee, I'm teasing you. But if there's anything you'd like to submit to us in writing, we will take the time to consider it.

MR. MAGEE: I will do that, sir. Thank you.

However, I offer all those that are here tonight an invitation to come out to Manchester Civic Center for Oyster Creek's information fair next Wednesday, February 16, starting at 5:00 p.m. At the information fair, you will view exhibits and talk one-on-one with Oyster Creek representatives about Oyster Creek Generating Station, plant improvements and upgrades, emergency preparedness, radiation and industry, security enhancements, protection of the environment, license renewal, and community benefits. As I stated, this will be Wednesday, February 16, Manchester, from 5:00 to 8:00 p.m.

Tonight, I want to inform you about the people at Oyster Creek, the citizens of this community. All too often in the discussions around Oyster Creek, the dedicated men, and women, and community workers who come to help us out are forgotten. Oyster Creek employees are dedicated, trained nuclear professionals who are committed to the safe operation of the plant and to protect the health and safety of the public we serve.

This imbedded safety culture carries over to our personal lives. Our employees are active in their communities, and some volunteer with their local first aid or fire departments. They use the safety skills that are part of their daily professional lives to help others in their personal needs. That's important to me, and I know it's important to you. We are Little League coaches, we are Scout leaders, we are community volunteers. We are mothers, fathers, husbands, wives, brothers, sisters, aunts, and uncles of this community.

Protecting your family, whether on the baseball field or while we are working at Oyster Creek, is important to us. Our number one priority at

Oyster Creek is safety: the safety of our employees, our visitors, our public, and our community.

Oyster Creek employees believe in giving back to the community. We walk the talk. In 2004, Oyster Creek employees personally donated \$176,000 to the United Way of Ocean County. We are the single largest employee-run campaign for the United Way. Our employees also raised approximately \$15,000 to benefit the Juvenile Diabetes Research Foundation, and Oyster Creek donated \$5,000 to Southern Ocean County Hospital Lights of Life holiday celebration. We do all this because we care about our communities.

I'm proud to work at Oyster Creek, and I am an active member of this community. Oyster Creek is clean, it's safe, it's reliable. License renewal is a necessity for the people and our community.

Thank you very much. And I'll see you next week at Manchester.  
(applause)

**ASSEMBLYMAN McKEON:** We'll do our best. Thank you very much.

Mr. Morris, who I called.

And James Fleury, it looks like, from Toms River, will be next.

**E D W A R D G. M O R R I S:** Good evening.

My name is Edward Morris. I live in Forked River. I've worked at the plant for over 20 years.

Whether the plant gets relicensed or not, I will be long retired. So I really don't have that -- my job is not at risk, per se. But what I want to say to you is, the safety of the plant, the whole operation of the plant has been

subjected to the corporate mentality and the corporate culture. And you're responsible for that. When you deregulated the electric utility industry, you put everyone and their electric service -- the safety, the reliability -- at risk. So maybe you should take a look at it, especially when Exelon wants to buy PSE&G and a couple more nuclear power plants.

I believe Oyster Creek is safe. The people that work there are dedicated. They care. But you need to look at what you do. Maybe this is the unexpected consequences, unintended consequences of some of the actions that the folks in Trenton take.

Thank you.

ASSEMBLYMAN McKEON: Thank you, sir.

Mr. Fleury.

And next is Marilyn Fontanetta.

**J A M E S F L E U R Y:** Thank you very much.

My name is James Fleury. I live in Toms River, New Jersey. I come to you as a citizen, voter, taxpayer of the State of New Jersey, today. I'm a lifelong resident, including eight years serving this country in the United States Navy. I'm a father of three young children in the Toms River school system. My wife is in the Dover Township Environmental Commission.

ASSEMBLYMAN McKEON: Jim, could you speak into the mike as best you can?

MR. FLEURY: My wife is a member of the Dover Township Environmental Commission.

I will limit my comments this evening to the Environment and Solid Waste commission's purview, specifically the effects of Oyster Creek on the environment.

Closing Oyster Creek would have a significant negative impact on the environment. And I say this, especially relating to air quality. The majority of the portion of our electricity generated in this country is generated by coal and nuclear power, 70 percent total -- 50 percent of that from coal. The base-load plants that generate power and compete with each other in an open marketplace are coal and nuclear power.

If we were to close the nuclear power plant in Lacey Township, the generation that would pick up on this would be coal generation. The burning of fossil fuels, obviously, is an issue for air quality. But an EPA study released in 2002 -- and the effects of different oxides on the environment -- said that even though electrical generation has gone up significantly due to the demand over the past 15 years, the air quality, as it relates to that, has stayed relatively the same, if not gotten slightly better. They contribute this to a larger portion of power being supplied by nuclear power plants in the Northeast region. Closing down Oyster Creek would buy you into 600 more megawatts of coal generation out West, the byproducts of which would be carried by the air over New Jersey. We know that New Jersey's air quality is one of the worst in the mid-Atlantic region. A great portion of this we believe to be coming from the Western power plants. I know that New Jersey's currently looking at litigation to this effect, due to that.

I also will contend that the coal generation actually puts more radioactivity into the environment than nuclear power. The reason you do not

hear about this is they're not required to be monitored as nuclear power plants are for their discharges. Coal has naturally occurring radioisotopes in it. As they are burned, they are carried on the air, and they fall out in the following communities. The amount of activity that a coal plant puts out is factors higher, over a yearly period, than nuclear power plants.

If you want to relate to solid waste generation, the entire-- I said that nuclear power has operated for 30 years -- approximately 20 percent of what's generated in this country. All the high-level nuclear waste in this country, if it was put in one location, would rest on the size of a football field only 30 feet high.

One coal plant, generating the same amount of electricity that Oyster Creek produces, generates that much ash and waste in one year. That waste is considered toxic waste. It has heavy metals, mercury included. Mercury is another byproduct of coal generation that is also put in the air. And we know that that has effects on our air quality. This waste has to be landfilled in special landfills because of its environmental impact, and possible impacts on groundwater.

If, also, we were to replace Oyster Creek, the Pennsylvania-New Jersey-Maryland exchange, which maintains the power grid in this area -- of which Oyster Creek supplies 9 percent of the State of New Jersey -- which was incorrectly quoted. We provide 1 percent in the entire grid, but 9 percent to New Jersey -- said that in order to replace Oyster Creek, or if Oyster Creek was to shut down, it would require \$100 million in infrastructure upgrades to the 230,000 volt and 500,000 volt kv grids in northern New Jersey -- some of them going through your districts. These wires would require right-of-ways to

be purchased, which isn't included in that \$100 million cost, which we've passed on to the ratepayers of New Jersey.

We talked a little bit about alternative powers. I believe in the environment, I believe in alternative powers. But, currently, some of these alternatives are not feasible. Specifically, solar power is subsidized by taxpayers at a rate of 65 percent. In other words, if I want to put solar panels on my house, the State would subsidize it by 65 percent with taxpayer dollars. And even at this rate, it is not economically feasible. Most people will not invest in it. We heard about wind farms. Currently, New Jersey has a moratorium on wind farms and, therefore, they are not currently feasible, also.

If we are serious about clean air, water, solid waste, and the environment, Oyster Creek and nuclear power is the best option with the least environmental impact.

Once again, I thank the commission for coming to Lacey Township, and I thank them again, also. And I appreciate your time.

Thank you. (applause)

I do have--

Here's a copy of the PJM report, and a copy of the EPA report with the backup facts on it.

ASSEMBLYMAN McKEON: Thank you very much. And we'll make sure that we evaluate them.

You're not a bad tour guide either, by the way. (laughter)

Ms. Fontanetta.

And Jack Nosti will be next.

**MARYLYN FONTANETTA:** Good evening.

My name is Marilyn Fontanetta, and I live in Lakewood, New Jersey.

I would like to see the Oyster Creek Nuclear Power Plant closed as soon as possible, because I feel it is extremely vulnerable to terrorist attacks in any one of three possible ways: by land, from a shoulder held missile fired from a vehicle on Route 9 -- from which you can clearly see the plant, by a plane crashing into the spent fuel pool, or by an attack from the sea. I heard on the radio one day that suspicious activity was noted by people in kayaks. And I know that they do kayaking in this vicinity.

The second main reason I'd like to see the plant closed is that I feel evacuation of the area, in the event of an accidental release of radiation, or due to a terrorist attack, would be impossible before we were reached by a radioactive plume.

On the Fourth of July, I went to see fireworks on Long Beach Island. Coming home, what is normally a 25 minute ride took over two hours. The traffic was, at some point, absolutely stopped. There were people that had come out of their homes and were sitting in lawn chairs at the side of the road conversing with the motorists stuck in traffic. Now, this was not an emergency situation, and it was not all of Ocean County that had to be evacuated. It was just people coming home from seeing fireworks. If you can imagine what it would be like in the event of a radioactive release, you can just picture the chaos that would prevail.

If it's possible, I would like to see legislation passed by New Jersey that would say, "If it's not legal to build a plant today, as it was built originally--" And as I understand it, the design of this Oyster Creek Nuclear

Power Plant has been disallowed since 1972 -- that's over 30 years ago -- that such a plant, which couldn't be built that way today -- it would be illegal to continue operating it.

I also would just like to make note that the Nuclear Regulatory Commission is not elected by the people of this country, and yet the decisions that this small handful of people make affects the lives and potentially the health of millions of Americans.

And I thank you for taking the trouble to come out of Trenton, to the communities, and listening to the concerns of the people that live in your state.

Thank you. (applause)

**ASSEMBLYMAN McKEON:** Thank you for taking the time to be here from Lakewood.

Mr. Nosti.

And Edith G-B-U-R, Gbur (indicating pronunciation), will be next.

**J A C K N O S T I:** Good evening, Mr. Chairman, panel.

We thank you very much and welcome you to Lacey Township.

My name is Jack Nosti. I'm the President of the Lacey Township Republican Club, and I'm here speaking on behalf of that club, the county organization, and as a private citizen.

First of all, as the Republican organization of Lacey Township, we took a very strong stand that we very much favor the continued safe and clean operation of Oyster Creek. Oyster Creek has been a fantastic neighbor to Lacey Township since it opened in the late '60s. And it will continue to be so, we hope, into the future.

As a private citizen, I would like to say that I'm very happy to tell you that the sky is not falling. From all of the naysayers that I hear speaking at this forum, and at previous forums, their scenarios are all, what if this happens and what if that happens? I think we have more to threat from just every day occurrences. Not that many years ago, we had a gas station in this town that had leaky tanks, and it polluted the water supply of a good group of homes east of Route 9.

As I grew up in North Jersey, in Essex County, we lived in the town of Nutley, where we had a pharmaceutical plant, Hoffmann-LaRouche, which is still there today. And we grew up in that town dealing with the terrible fumes from that plant on a daily basis. We had leaks into our stream and everything else. Now, nobody jumped up and down, because this was a pharmaceutical plant. God bless them. They should stay open. Well, we feel the same way about Oyster Creek. We have not had the bad incidences with Oyster Creek. It's been a fantastic operating plant and a very good neighbor.

As far as the traffic is concerned, having grown up and living 40 years of my life in North Jersey, I know what traffic is. And to sit -- and I'm sure you all do, traveling to and from Trenton. But in North Jersey, it was nothing to sit in hours, on a daily basis, commuting to and from work in less than 10 miles. That's kind of what we are today. I think we all have to sell our cars and start walking if we're going to do away with the traffic congestion.

And as far as replacing the need for energy, who is going to give up their computer? Who's buying less air conditioning? No one is doing anything. If anything, there's more and more of a need for clean, efficient fuel. And this is what we're getting from nuclear plants. We protect our country

with nuclear submarines that travel very close up and down into the Philadelphia area. And no one is jumping up and down about our warships that are fueled by nuclear -- and other things like that.

Nuclear plants, as far as I am concerned -- and an overwhelming majority of the residents of Lacey Township -- is fine. We knew about this plant when I moved here 20 years ago. And I was happy with it, and I'm just as happy with it today.

I thank you for your time. Good evening. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Are you sure you don't want any more time? Assemblyman Rooney said any Republican gets seven minutes. (laughter)

**E D I T H G B U R:** Thank you.

I'm happy to be here.

ASSEMBLYMAN McKEON: Excuse me, Edith. Just a moment.

Mr. Posey will be next.

MS. GBUR: Pardon me?

ASSEMBLYMAN McKEON: Please, thank you. Welcome here.

MS. GBUR: Oh, thank you. And we thank you for the opportunity to be here.

I'm the President of Jersey Shore Nuclear Watch. And the purpose of our testimony is to ask, in considering the future of Oyster Creek, that the Assembly Environment Committee join 15 townships, municipalities, for the immediate shutdown of Oyster Creek.

We're asking that you do not put any hope into the Nuclear Regulatory Commission that they will shut down the plant. They have never

shut down the plants. They have just extended the licenses for 30 nuclear plants. If left up to them, the plant will remain open indefinitely, unless there is a catastrophe, such as a terrorist attack or an accident.

We believe that the Nuclear Regulatory Commission cannot be swayed by public pressure. Furthermore, challenges by lengthy procedures and more costly studies are unnecessary. These are delaying tactics and will allow the plant to remain open forever, if that's what the plant wants to do.

The Nuclear Regulatory Commission licensing procedure ignores the health risks to children who are getting emitted by radiation. The Nuclear Regulatory license procedures refused to consider terrorism, nor will it consider the impact of an airliner into the dry casks or the fuel pool. These matters are now in the hands of the National Academy of Science.

The National Academy of Science wrote a report about the impact of an airliner into dry casks or into a fuel pool. The NRC says that this is classified. The Institute of Science has a declassified version. The Nuclear Regulatory Commission refuses to release it.

The so-called hearings on the closure of Oyster Creek by the Nuclear Regulatory Commission will not consider evacuation. They say that the evacuation plan is fine here. They will not consider-- So what we're left with is that all of the issues that our citizens have talked about -- evacuation, safety, security, terrorism -- will not be considered at the hearings. It's just a charade.

In addition to that, all of the decisions about closing the plant because it is not safe, secure, or healthy were made by local people. In New York, Mayor (*sic*) Cuomo and the citizens helped to shut down the Shoreham

Nuclear Plant. The Main Yankee was shut down because of citizens. And so we're asking that you look at the history. Study the 19 nuclear plants that were decommissioned, and you will find that the Nuclear Regulatory Commission did not say -- have any say into it. The only thing that the Nuclear Regulatory Commission can do is to help to process the decommissioning of nuclear plants.

So we ask that you call for the immediate closure of Oyster Creek.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Mr. Posey.

And Paula Gotsch.

**D O N A L D P O S E Y:** Thank you for hearing my comments.

My name is Don Posey. I'm a resident of Bayville. I work at the plant for the last four years. But this year, I celebrate my 29th year in the nuclear industry. I started out in operations. And I was fortunate to take my NRC exam three months after TMI. And I remember some of the new questions that the NRC put on my exam.

So what I'm coming here to tell you is that we have processes that govern the plants. And I believe they work, if we allow them to work. I believe the NRC oversees the plants on the basis-- And they are -- they govern the plants. I've been to some plants where the NRC has shut down-- And I worked through those issues. And I've seen how the plants have become much better plants, operated, and, today, they are the highest -- one of the plants I was at is the highest operated, highest (indiscernible) rated plant of the

industry. So I think the process is working, and I would like for you to consider those processes when you make your decision.

Secondly, I work in the outage management section, which means that I plan, schedule, and coordinate any time the plant shuts down, if it's a forced outage or a refuel outage. One of my responsibilities is on the safety of the plant itself. And the multiple levels of safety that we go through maintains the safety of the plant during those time frames. And we have multiple people -- we have challenges on the safety of the plant before we go into the refuel outage. And that is put into the plan, and that is reviewed, and that is challenged by a separate team.

So I think that the plant, itself, is safe. And as we're in an outage, the plant goes -- every schedule that goes out -- and every day, we analyze and make sure that we maintain that level of safety.

So I think that that's another key point that-- I believe the plant is safe. I believe the processes work if you allow it. And I think that you should consider the process and consider the safety of the plant when you make your decision.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much, sir.

Ms. Gotsch.

Jim Schmidling will be on deck.

And before Mr. Schmidling speaks, I'm going to have a word or two to say as to how we're doing with the number of people testifying.

Ms. Gotsch.

**P A U L A   G O T S C H:** Thank you. Thanks for being here.

My name is Paula Gotsch, and I'm one of the spokes people for Grandmothers, Mothers, and More for Energy Safety. We are representing 20 of our -- our steering committee of 20 people. There are 60 children and 123 grandchildren.

I want to start by saying that I don't think anybody here doubts the dedication, and the skills, and the technical abilities of the workers at Oyster Creek. That was never a question in our mind.

But we're concerned about the nuclear waste that's piling up. And talking directly to you, as the solid waste people for this state, I want to say I support the movement that this plant be decommissioned fully with the natural -- restored to its natural area, and that the extra money from the decommissioning fund be used for worker compensation.

My son is a machinist. Many of his friends worked at the plant when it was owned by GPU, I believe it was. And I have nothing against the working man. That's not the problem. The problem is that in the nuclear waste -- some of the nuclear products -- byproducts -- plutonium-239, the most deadly poison known to man in the whole history of the world, is what is in that nuclear waste.

And now the problem is that no one has a place to put nuclear waste. And the longer New Jersey allows nuclear waste to build up within our borders, the bigger problem it will be.

I want to also say a couple of things that I think is misinformation. Number one, nuclear is not the most economical power. In fact, there's studies that show that the states that use nuclear power in their mix pay the highest bills. It is not clean energy. The amount of CO<sub>2</sub> used in uranium mining and

in the construction of nuclear plants is very heavy. And when the global community met in Europe to decide what would be used -- what we called Energy for Climate Change -- nuclear was rejected worldwide because of the amount of CO<sub>2</sub> generated when -- with the whole system.

It's especially not the cheapest, because it is so heavily subsidized. In fact, if you counted all the subsidies that we taxpayers have paid for, for nuclear energy, it would far exceed what nuclear has produced for us, in terms of any economic benefit.

Let's see. I'm not going to go on anymore, because our eyes are all glazing over. I just want to say that we have a real problem. If we don't jump on this and take this opportunity to close this plant down, we are going to have more nuclear waste. And I'm a little worried, like Social Security, that there's a trust fund now. But I'd hate to wait to see what will happen if we just put off the decommissioning. And, all of a sudden, who knows -- we won't have a trust fund to do all we have to do. And it's going to take all of us working very hard to do this. In Maine, it took the whole community to get involved, to help get this site back into its natural state.

Again, I want to say, no one is doubting the dedication, the technical ability, and the work ethic or the community spirit of any plant worker. That is not the problem.

I guess grandmothers just want to say to Exelon, "You've had your hand in the cookie jar a long time. Now, go out in the backyard, and clean up your mess."

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much, ma'am.

Mr. Schmidling.

And he'll be followed by Ed Di Marco.

Let me just take a moment and let everybody know where we're at. We are precisely half way through the number of speakers who have signed up. Of the remaining speakers, which is 19, there are seven who already spoke in Brick. We will continue with our five-minute rule. But when we get to those who already spoke, we're going to limit them to three minutes. That should get us to the point that we're finished by about 20 to 10:00, give all members of the Committee a few moments to sum up, and be concluded by the 10:00 hour, as promised, giving everybody a chance.

The last thing I want to just remind-- If the Mayor does come -- Mayor Quinn -- we will, at the conclusion of whoever is speaking, just allow him the courtesy of speaking.

So, with that, Mr. Schmidling, thank you.

**JIM SCHMIDLING:** Good evening. It's nice to see you all here.

I'm sorry to see you're so young.

What I want to do is give a little history lesson.

The only nuclear power plant that really had an accident was Three Mile Island. When the Three Mile Island reactor had the problem, it wasn't something that went boom, bang and released radiation. What happened there was, the water level fell -- if my memory serves me correctly -- a hydrogen bubble developed, and they were afraid that the hydrogen bubble was going to blow. This was over a two-day period. There was a lot of people from the Three Mile Island area who came down here, stayed in some of our

motels that were fairly empty because it was our off-season. And it was a two-day process, where they all were evacuated from the danger zone.

It's not where you're going to have everybody jump in their car and shoot out of town. The worst-case scenario is, it will be at least 24 hours notice before there's something that's going to happen.

Now, a lot of people before me have spoken about the evacuation, and it's just not going to be necessary that quickly.

In today's newspaper -- they must have known you were all coming -- had an article about fossil fuels and power plants -- that fossil fuels are emitting the carbon dioxide gases, which are contributing to the global warming. And we're one of the only countries not in the protocol to control this. But it is fossil fuels.

And, also, with the way China is buying up coal, and the way the environmental people are allowing coal mining these days-- But in two years, there's going to be a shortage of coal. There's not going to be enough coal to run the coal plants.

So it would be a good thing. This power plant has been a good neighbor all these years. We've had no problems with it. And the best thing for us would be to relicense the power plant and let things continue to go along. As far as I know, nobody's ever died from a power plant here.

In this country, there are 50,000 people killed a year -- pedestrians struck by automobiles. Nobody is out to ban automobiles, and they're killing 50,000 people a year, and that's only pedestrians.

So, thank you for coming, and take this all into consideration, please. (applause)

ASSEMBLYMAN McKEON: Thank you very much, sir.

Mr. DiMarco.

And next will be B. Kearney.

**E D D i M A R C O:** I just want to say -- make a point that the NRC is not responsible -- not a responsible agency. They are not responsible to the public or even congressional agencies that have oversight over them.

There was a resolution that Berkeley Township made to decommission Oyster Creek on 10/28/03. They cited, "Whereas the Nuclear Regulatory Commission has not taken enforcement action against an 11-year-old noncompliance, identified in triennial fire protection/inspection report involving the ability of a reactor to safely shut down in the event of a fire, exposing the public to undue risk." So for 11 years, they held them in noncompliance.

This is a-- You wonder why the -- if they could even legally do that, but they did that. And I think some of the people may be bringing suit against them to -- why they were able to do that.

One month later, once it got into the public record, the *New York Times* published a report where the Nuclear Regulatory Commission was trying to -- after 10 -- they say 10 -- years of struggling to make reactor owners modify their plants to protect electrical cables from fire, the Nuclear Regulatory Commission is now proposing to amend its own rules, retroactively legalizing an alternative strategy used by many plants but never formally approved.

So for 10 years, they wouldn't approve this plant. Then, all of a sudden, when it became public record, they were willing to lower their

standards. So you think this was really safe? I mean, if they didn't -- they wouldn't lower their standards for 10 years -- 11 years -- and then, all of a sudden, once it got into the public arena and the public knew about it, they were going to lower their standards. This thing, where it was done by something called an *operator manual action*, where if they saw a fire, they would have to run through the fire and the smoke to put out the fire or shut off the equipment.

Now, the nuclear power -- always say they're a good neighbor and they have every -- all the things in the power plant have duplicity where they're shut off or do something. What do they do in this case? Send another man down if the first man doesn't make it through?

They also say they're a good neighbor, but for 10 or 11 years, they held us -- nobody said anything about this fire hazard, which placed the public at risk for 10 or 11 years. So they claim to be a good neighbor, but it doesn't seem that way.

Also, when I cited this at a meeting one time -- another meeting -- they said they had taken care of this problem. They just flat out said they had taken care of this problem. They are taking care of this problem -- I think the Nuclear Regulatory Commission would really be concerned about how they did that, because they wouldn't have to lower their standard.

Then there's a statement here from Congressman Dennis Kucinich. It's a statement of the Congressman on the GAO report on the Davis-Besse Nuclear Plant. On May 18, 2004, the General Accounting Office released a scathing report on the Nuclear Regulatory Commission's handling of the crisis at Davis-Besse Nuclear Power Plant. Congressman Dennis

Kucinich issued the following statement on the report: "The General Accounting Office's report highlights shocking, serious, and dangerous systemic problems at the Nuclear Regulatory Commission, problems that call into question whether the agency can, as it is currently run, continue to perform its most fundamental functions to protect public safety."

ASSEMBLYMAN PANTER: Mr. DiMarco, when you get a moment, we're just going to ask you to wrap it up shortly so that the next person can go.

Thank you.

MR. DiMARCO: Okay.

This report reveals failures at almost every rung up the bureaucratic ladder at the NRC. And it goes on to say that, "This report is a black eye on the NRC. Despite numerous warnings, the NRC cavalierly disregarded public safety as Davis-Besse drifted closer to disaster. The NRC was aware of cracked tubes and corrosion at plants similar to Davis-Besse, yet it gave FirstEnergy preferential treatment and inspected the plant fewer times than other plants. This sort of preferential treatment seems to indicate that the NRC protected FirstEnergy's bottom line at the expense of the public safety."

And there's just one more little sentence here. "The NRC's response to this report may be more troubling than the report itself. Regrettably, the NRC has chosen to disregard the recommendation of this report. The NRC must learn from its mistakes. I find it troubling, as a member of Congress, with oversight over the NRC, that the agency appears to arrogantly be ignoring recommendations of the GAO."

So they override the public, and they override everybody. So I'm saying to you, what are you going to do, in terms of protecting us at the State level?

ASSEMBLYMAN PANTER: Thank you, Mr. DiMarco. Thank you very much.

We have B. Kearney next.

And then Michele Donato will be after her.

**B E T T Y A N N M A C E K E A R N E Y:** Mr. Chairman, members of the Committee, my name is Betty Ann Kearney. I am a homeowner and taxpayer of Lacey Township. I am also a mother and a widow. I have no connection to Oyster Creek, and I know no one that works there. But I do know the difference between a huge company who is a good neighbor and one that is a bad neighbor.

The Oyster Creek people are responsible for a large portion of our property taxes in our town. This makes my home more affordable and allows me to educate my children in a wonderful community.

They have spent money to increase safety. And from what I have read, they have trained many responders in Ocean County. They have been contributors to the betterment of our town. Yes, they are a power company, but we need power. They have been in operation safely for many years. Unless someone can prove to me that they are no longer safe, they should be allowed to continue.

I do not want my property taxes to go through the roof because someone has it out for Oyster Creek. I live here, I pay the taxes, and I don't want them to go up.

When I introduced myself, I said I was a widow. I know about bad companies. Three years ago my husband died because of a bad company. He was 49 years old. He left behind two children. He worked his entire life for the Bayway Refining Company in Linden, New Jersey. Anyone who looks at the facts of what has happened in that county, and happens to know about Bayway and the exposure of chemicals to the employees and the community, know that they killed my husband. But the refinery is a bad neighbor and has refused to acknowledge the problem. Instead, they have stalled and hid. There would never be a hearing up there like this.

My husband died of esophageal cancer, as did 11 of his coworkers in 12 years. This means the incidence of esophageal cancer at the oil refinery is 2,800 times above national statistics.

In fact, last week, the owners of the Bayway Refinery agreed to pay \$60 million in fines and do a half-a-billion dollars of repairs at that refinery. Now, that's a bad company.

Oyster Creek is not a bad company and should be continued in operations.

Thank you. (applause)

ASSEMBLYMAN PANTER: Thank you very much.

We have Michele Donato next.

And she'll be followed by John Clark.

**M I C H E L E R. D O N A T O, E S Q.:** Good evening.

My name is Michele Donato. I'm an attorney, and I live and work in Lavalette, New Jersey.

I first became aware of the problems with Oyster Creek in 1995, when I represented William DeCamp (phonetic spelling), who opposed the dry storage facilities that the plant proposed to construct at the location in Lacey Township. I had concerns about the dry storage facility. But what I learned from the National Academy of Sciences, and from other scientific studies about Oyster Creek, gave me great alarm.

We raised issues of terrorism. And at that time, they were dismissed as being paranoid. We learned after 9/11 that those concerns were well-justified and quite frightening. I learned also that the plant was of a design that was abandoned soon after it was constructed. There were only four of these apparently -- of this boiling water reactor. And the boiling water reactor is more like the Chernobyl style design. And in event of an accident, it would have much greater problems than what happened, for example, at TMI.

I learned that the structural integrity of the plant was challenged because of its age and because of the effects of heat and radiation. It simply wasn't intended for a long life. The heat really affects and cracks the integrity of the structure. And there are inaccessible portions of the structure that cannot be seen and cannot be replaced.

I learned, also, the concerns that you've heard about evacuation and about the failure to be able to store the waste. But I had some consolation, because I understood that the license would expire in 2009.

Since then, I have read in the paper about the fish kills that have occurred from that plant not once, not twice, but many times. I'm also aware that the company is now required to monitor the mortality of its wildlife.

What is happening and being killed from that plant that they can measure -- not to mention what they cannot -- because of the thermal pollution, because of the antiquated design of the turbines, because of the lack of protection for the environment that that plant has.

I also read in the paper that when Exelon took over, the dedicated workers in this plant went on strike because of safety. They didn't go on strike because of money, they didn't go on strike because of benefits. They went on strike because Exelon cut the safety standards. And only after 11 or 12 weeks, apparently of intransigence on the part of Exelon, did they have to give in because of economic concerns.

I also learned that Exelon has a horrendous record, wherever it operates. It does not care about safety. It does not care about the environment. What it cares about is the bottom line to Exelon shareholders.

We can talk about economics and the relative harm or risks from this plant. One thing is certain. If this plant has an accident, the harm to this entire region will be greater than anything that could occur from any other environmental problem in this area.

And if we want to talk about economics, this is Ocean County. It is a county that has built its economy on the resort -- on the resources that we have. We have the Barnegat Bay. This plant is heating up the Barnegat Bay. This plant is essentially an antiquated piece of equipment that was never intended to last beyond 40 years.

Let us be fair. Let us try to do the right thing and see that this plant closes, and that these workers and the people who live in this township do not have unfair economic effects. But we cannot allow this plant to

continue because of those economic benefits. We must think of the larger good. And, fortunately, that's why you're here, to weigh those difficult decisions and, hopefully, to weigh in favor of the environment and in favor of the citizens of this state.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you for your opinions.

Mr. Clark -- John Clark.

And Reverend Miller will be next.

**J O H N C L A R K:** Hello. I thank the Committee for your time.

We've been sitting here a long time tonight, and we've heard a lot of rhetoric. And I enjoy it from both sides. I say that -- that the nuclear industry has to be more open in discussing what we do, because we are a bunch of quiet professionals. We've treated the industry in a way where we understand it, we have learned it, and we make it better every day. But we don't try to educate the public to that degree. And there's reasons for that. A lot of information that does get out is misconstrued. And we try to avoid that.

Now, to introduce myself to you, I'm not just John Clark. I'll give you a little bio. I grew up about a half-mile from here. I was valedictorian at Lacey High School, right behind this school. I'll show my age. This school wasn't here, then, that we're standing in. From there, I went and got a chemical engineering degree from Lehigh. From there, I got a Master's degree from Carnegie Mellon, also in chemical engineering. I've worked for Proctor & Gamble, I've worked for Air Products, I've done research with Bosch, and I can say I work here for one reason, and that's because they are committed professionals. They know their business. They are better environmental

stewards than the chemical companies I just named. How they handle themselves -- they handle themselves like an environmental steward. So if that's the scope of what we're discussing tonight, I can think of no better thing to do than relicense.

To give you a different perspective, I was at an assembly in Toronto, back in May. And there was over 40 countries represented at that assembly. And we discussed nuclear power and power in general. And I can tell you that the European countries are fully on board more than we are as a country, because they have looked through what is green and what is not, what is viable and what is not, and what is renewable and what is not. And if you look at Switzerland, they're 50 percent -- extremely environmentally conscious country -- and they're there. France, I believe, is somewhere between 70 and 79 percent nuclear power. They're there. Japan, I think, is 80 percent at this point, and they're there.

So I just would ask the Assembly to consider those facts. There's plenty of facts throughout the night that we've heard. There's more that we have inside. And I'm sure that, through your tour today -- I'm sure you got inundated with them. It's very easy to happen.

The individual speaking before me is an attorney. My sister is an attorney. And when we have a dinner conversation, she yells at me when I start talking about the law, because she says, "John, you just don't know." And I agree with her. Some things you really need to get into the field to understand.

So I thank you for tonight. I thank you for sitting and listening. And I thank you for learning that we really are a safe industry -- and that the

30 nuclear power plants that were referenced before, to be relicensed -- I'm proud of that fact, because this is an industry that is committed professionals. They're not running it just for today. They're running it, also, for tomorrow.

Thank you for your time. (applause)

ASSEMBLYMAN McKEON: Thank you very much, sir.

Reverend Miller.

And, Bob Artz, you're on deck.

**R E V E R E N D   C H R I S T O P H E R   L.   M I L L E R:** Reverend Christopher Miller. I represent the United Methodist Church at the Greater New Jersey Annual Conference, which represents 600-plus churches. And I also speak on behalf of the New Jersey Council of Churches, which represents 16 Protestant denominations throughout the state.

I'd like to thank you for your time, and I want to specifically thank the staff people for being here, because I know you have to be here, as well. And we've been thanking the Assembly persons all night long.

Thank you, staff people, for being here.

I just want to say, you've heard the concerns. And the United Methodist Church and the Council of Churches is also concerned about those very things, about the safety of the plant, about the evacuation process. And we often feel that it's not taken into account when money is taken into account -- that we can't afford to allow people to make money off the backs of other people when their lives are at stake.

Both organizations have passed resolutions that are asking for the decommissioning of the plant. We're not asking for the immediate decommissioning. We believe that the license should run its course. But we

understand that this was a planned event, that the license was to expire. We know it's the oldest plant, and we are concerned about its capabilities of sustaining itself. And I just wanted to let you know that those 16 denominations, which represent thousands of people within the state, and the United Methodist Church, which represents thousands of people within the state, have voted to ask you to not allow the license to be renewed if it's at all within your power.

Thank you.

ASSEMBLYMAN McKEON: Thank you very much, Reverend.

Mr. Artz.

And, Grace Costanzo, you'll be next.

**B O B A R T Z:** Good evening.

My name is Bob Artz. I'm the Senior Nuclear Chemist at Oyster Creek.

I'm a resident of Lacey Township. I live in Lanoka Harbor with my family. I'm a registered voter, and I vote. I'm also one of the Little League coaches that John talked about earlier, here in Lacey Township.

I work with over 400 highly skilled, educated, highly trained, and motivated individuals. And we're all working to ensure the safe, clean, reliable operation of Oyster Creek.

I'm in a rather unusual situation in that I have experience working in both fossil fuel plants and solar heating systems. The larger of the two fossil plants that I worked at in Pennsylvania was a 400-megawatt coal burning plant. At that plant, we burned about 2,100 tons of coal per day. Coal comes in 100-ton railroad cars, so we processed about 21 railroad cars of coal per day.

To replace Oyster Creek with a coal plant, it would require the burning of about 3,400 tons of coal per day. That amount of coal would produce-- I'm going to throw some numbers out, because we've heard CO<sub>2</sub> and greenhouse gasses, but we haven't really heard much about the magnitude of that. But that coal would produce about 12,000 tons of carbon dioxide going into the air each day. That's a greenhouse gas. Oyster Creek avoids that contribution to greenhouse gasses.

In addition, our hypothetical 3,400 tons of coal contains about 2 percent sulfur. That's low sulfur coal. That sulfur, when burned, would produce about 210 tons of sulfuric acid per day -- 210 tons of sulfuric acid going into the air each day. Again, Oyster Creek avoids that contribution towards acid rain.

You've heard individuals promoting renewable resources such as solar and wind power. And I'm sure you're aware of the controversy over offshore wind farms, which has appeared in local newspapers. It's also appeared in Cape Cod, Massachusetts.

As far as solar energy goes, its best application is for small-scale domestic water heating, except, of course, if you have a teenager at home, as I do. (laughter) Unfortunately, because of the weather today, the solar contribution for us would have been near zero. We still need a backup source of clean, safe, reliable power. Oyster Creek is one such source.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Ms. Costanzo.

And Sara Bluhm, from NJBIA.

**G R A C E   C O S T A N Z O:** Hi.

Thank you for allowing me to speak.

I'm not a rocket scientist. I'm only a grandmother. So I can't talk for all of the technicalities of the plant. But I know one thing. I've been here in this area for eight years -- eight or nine years. And when I moved down here--

You know, some of the people at the plant say, "Well, you know, you came down here. If you knew you didn't like the plant, you shouldn't have come down here." When I looked for a house here, I didn't think of looking for a nuclear plant, because that didn't come into my mind. It was a nice area, it was real pretty, it was by the ocean. I love the water. And I didn't know about the plant.

However, one day, I heard on the radio, "Come to the school." I live 10 miles from the plant. "Come down to the school and get your potassium iodide pill." And I said, "What do I need a potassium iodide pill for?" And it was because, in case anything happened. This was after the 9/11. They said, "In case of a terrorist attack, the potassium iodide pill would give you about," I think, "24 -- 20 hours of protection for your thyroid gland" for the radiation that you would get poisoned by. I said, "Wow, what's doing all this?" So I looked into it. Not only did I find that there was a power plant here, but I found out it was the oldest plant in existence. It was the oldest plant in the U.S.

So I joined Jersey Shore Nuclear Watch. And from that I learned a lot more about it. A lot of the things that I learned have already been said. I'm not going to go into it. But one thing has not been said. Nuclear power

is not safe, it's not clean, it's not necessary. It's also not the cheapest power there is. The government subsidizes nuclear power plants -- the subsidies that they have gotten, so far, has been over \$145 billion. This is from taxpayer money. It comes out of our pockets. Is that cheap energy? And the nuclear power giants-- They wouldn't spend their own money to build these plants without these government subsidies.

Also, the Price-Anderson Act limits the nuclear utility's -- my ability -- to our citizens -- in case of a nuclear disaster. You cannot sue the power company. And the power company only has a limit that they will pay you if you live and not die from exposure to radiation or the rest of the contaminants. If the Price-Anderson Act were repealed today, all the nuclear power plants in the U.S.A. would be shut down tomorrow, because they could not afford to operate.

We know, also, that the evacuation plan is a joke. The double-trouble fire a couple of years ago -- the place was a parking lot. And the Nuclear Regulatory Commission refuses to address this issue. Why? Because they don't have any answers for us. Nobody has an answer. How are they going to get people out of the area? Do you know how? I don't.

Governor Cuomo -- it was mentioned before -- closed down the Shoreham Nuclear Plant because of the evacuation plan. Our Governor could say this plant should be shut down tomorrow. He's got the power. And you gentlemen have the power to convince him.

We come here to meeting, after meeting, after meeting. I'm tired of repeating myself, because we keep saying the same thing. We keep

reiterating the dangers inherent in this plant. We keep telling you that we don't want the workers to lose their jobs. We want them to be compensated.

And I would ask you to pass a resolution to close the plant. Forget about relicensing. Just close it down, and go on from there, and build some good plant. They have gas plants, they have all kinds of clean energy, reliable energy that we could depend upon. And you have to do it now. Don't wait until the damn thing blows up.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much, ma'am.

Ms. Bluhm.

**S A R A B L U H M:** Good evening members of the Committee.

My name--

ASSEMBLYMAN McKEON: Nicole--

Excuse me. You've been so patient in waiting.

MS. BLUHM: Sure.

ASSEMBLYMAN McKEON: Nicole Simmons is next.

MS. BLUHM: Oh, okay.

ASSEMBLYMAN McKEON: No, no, you're up. I'm just telling her.

I'll mess you up if you listen to me long enough.

Please, I apologize.

MS. BLUHM: My name is Sara Bluhm. I'm the Director of Energy and Federal Affairs at the New Jersey Business and Industry Association. Tonight, on behalf of our 23,000 member companies that rely on

safe and reliable electricity, I am here to support the relicensing of Oyster Creek and nuclear power. (applause)

The New Jersey business community is in a unique position when it comes to energy. After deregulation, we were broken into two different communities. Those large commercial and industrial customers were put onto hourly pricing, which relies on a volatile electric market within the PJM region; and smaller customers who are on the residential and small business fixed-price marketing.

Regardless of the load, business needs reliable power. We have to have electricity to run our operations, run computers, keep the lights on, keep the economy going. Switching to fossil-fuel generated power that is produced in other parts of the PJM will not only be costly to ratepayers, but it will put us in a vulnerable position for transmission of power.

You've heard from some people that Oyster Creek is 1 percent of the PJM grid. You're one of 80 in the Assembly. Does that make you any less important? For this region, 51 percent of our power comes from nuclear. Oyster Creek generates 9 percent of that 51 percent. It's 20 percent for this region. Could you imagine two out of every 10 homes not having power, two out of every 10 businesses not having power?

For many years now, Jim Sinclair and I have been before this Committee discussing the environment and business issues. Past Committee agendas have involved emissions from stationary and mobile sources and the impact on the state. We battled with our air quality and being downwind from Midwest states. The business community has spent millions of dollars on reducing emissions from facilities in the state.

Now this Committee is discussing the impacts of nuclear power, an emission-free source of state power. The relicensing of Oyster Creek not only provides 9 percent of the power supply, but it ensures a continued supply of zero emission-generated electricity.

To put this into perspective for you, the 57,600 tons of NOx avoided by nuclear power plants is the amount of NOx released by three million cars. There's 4.1 million cars registered in our state. Imagine putting another three million on the road. Generating electricity with nuclear energy prevents the emissions of pollutants like sulfur dioxide and nitrogen oxides in greenhouse gasses like CO<sub>2</sub> associated with burning fossil fuels. Nuclear power is our largest potential provider of zero-emission power on a large capacity. It should be encouraged to continue operating, and even upgrade capacity within New Jersey.

After spending time analyzing stationary services and mobile sources like diesel, the State should not look to shut down nuclear power and potentially replace it with fossil fuels. Industry has worked hard in this state to run clean operations. The businesses in the state face above-average electric prices. And don't be fooled that this is because of nuclear power or fossil fuel. It's based on the market. When we are large commercial and industrial customers, and we're forced to buy off of a market, this is because of transmission and generation. If we have to rely on power coming in from Ohio, it's going to cost more than power generated in New Jersey. This is going to have impacts on the business community.

While Oyster Creek needs to be relicensed, we have to start thinking strategically beyond this facility and look into the future. New Jersey

needs to plan for the siting of new nuclear power facilities and generation potential.

This hearing is part of the process of looking down the road. Nuclear is and remains the best environmentally friendly source of electric generation for this state and for business. We need to be investing in this facility and others like it to continue our economic growth, as well as environmental stewardship. Nuclear power is clean, safe, and reliable.

NJIBIA urges you to support the continued investment, growth, and operation of Oyster Creek Generating Station. Keep the lights on and the emissions at zero.

Thank you. (applause)

**ASSEMBLYMAN McKEON:** Thank you.

Nicole Simmons.

And next is Dave Chernesky.

Thank you, Ms. Simmons.

**NICOLE SIMMONS:** Good evening.

My name is Nicole Simmons. I'm with Clean Ocean Action. I'm the Water Policy Analyst.

Clean Ocean Action is a broad-based coalition of over 170 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups. Our goal is to improve the water quality of the marine waters off the New Jersey/New York coast.

Clean Ocean Action's current focus is on the marine degradations caused by the plant. An immediate and significant issue for the marine environment, linked to the relicensing, is the renewal of the required pollution

discharge permit. Oyster Creek Nuclear is currently operating under a discharge permit, or NJPDES permit, that expired in 1999 and has been administratively extended by the DEP. This permit, originally issued in 1994, is outdated and results in significant harm to the marine environment. Fortunately, recent Phase II regulations require implementation of the best technology available to minimize the adverse environmental impacts. Revising the plants NJPDES permit to comply with Phase II regulations offers one of the most important opportunities to improve Barnegat Bay.

Put simply, the plant's antiquated cooling water system causes substantial negative impacts to the waterway, due to impingement, entrainment, and thermal and pollutant discharges. These impacts are significant. We will briefly review them tonight, however they are described in detail in the position paper which has been submitted to you, the Committee, and is also available on Clean Ocean Action's Web site.

From the outset, it is important to note that an extensive scientific literature review has revealed that all available data on impingement and entrainment at the plant are the result of studies performed and/or funded by the Oyster Creek Nuclear Generating Station.

In sum: First, impingement impacts result from animals being pinned against the grate where the water is pulled in from the creek. Plant records indicate 32 impinged and 13 deaths of endangered sea turtles, including Kemp's Ridley, Loggerheads, and Green Sea Turtles, since 1992. The plant has repeatedly exceeded their annual incidental take allowances, including an exceedence in 2004, when the plant impinged twice the allowable take of the most endangered of all sea turtles, Kemp's Ridley.

Additionally, over an approximately two-year period in the mid-'70s, a study reported impingement of 13 million fish and invertebrates. Another two-year study in the mid-'80s reported impingement of 22 million fish and invertebrates.

Second, entrainment is when animals are sucked into the plant and are subjected to numerous and potentially lethal impacts, including thermal shock, shear pressure from water velocity and agitation, and pummeling from contact with machinery. Over a two-year period, over 90 trillion microzooplankton and 400 billion macrozooplankton were washed through the system.

Third, the once-through cooling system results in an increase in water temperature between 22 and 33 degrees Fahrenheit. Water temperature in the discharge canal can reach 110 degrees Fahrenheit, which affects the behavior, physiology, and habitat utilization of aquatic organisms in the area. The result can be a fatal attraction. Fish can be attracted to the river in the winter, when they should have migrated out of the area due to cold temperatures. Failure to migrate can lead to large-scale mortality due to thermal shock, when the plant experiences a planned or emergency shutdown. Records from January 1972 through December 1982 reported over 2.4 million fish killed due to thermal shock, including Atlantic menhaden, bay anchovy, bluefish, striped bass, and weakfish.

Fourth, during the final rinse, chlorine is injected through each of the circulating pumps to prevent and remove fouling organisms such as bacteria. Chlorine directly kills phyto- and zooplankton entrained in the cooling system, and can impact organisms residing in the discharge canal and

surrounding waters. The plant has a permitted daily maximum discharge, which is 20 times higher than the lethal limit of many estuarine species, including striped bass, mummichogs, and bunker.

In short, the plant's current activities significantly harm Barnegat Bay. This harm is avoidable and must be eliminated. DEP is drafting a new NJPDES permit for the plant. Clean Ocean Action will analyze and comment on the permit application and work to ensure that the new permit is consistent with Federal and State laws, and adequately resolves the plant's current marine degradation issues, especially those related to the antiquated once-through cooling system. Clean Ocean Action urges this Committee, other organizations, and individuals to do the same.

Finally, at the last hearing, Clean Ocean Action and several other environmental groups accepted an invitation from the plant to take a tour of the facility, as you did today. Plant employees have canceled two scheduled tours. We continue to actively pursue a tour date. We will advise the Committee on any progress, as requested.

Thank you for the opportunity to testify.

ASSEMBLYMAN McKEON: Thank you very much for your testimony.

We are now into the individuals -- Dave, I believe you are the first one -- who did have the opportunity to testify at Brick. So just for the sake of expediting the process, we're going to try to limit that testimony to three minutes. There are two people who haven't -- on the opposed side -- who haven't yet testified. They'll get their five.

**D A V I D C H E R N E S K Y:** Thank you, Mr. Chairman.

My name is Dave Chernesky. I'm a Stafford resident, also an employee at the station. And I want to thank all of you for taking the time to come down and visit the plant and listen to everyone tonight.

I started on an adventure about a year ago. And that adventure was to educate myself a little bit more about what my neighbors know about what I do. And what I found is, they don't know much about nuclear power. They don't know much about what I do as an individual. So that adventure is the same adventure you're starting on right now.

There's a lot of statistics that came out tonight. What's real and what's not? You have to look at that, and take that into consideration, and understand that. And I thank you for taking the time for that, my family thanks you, and my neighbors that know a little bit more now also thank you.

So, good night. (applause)

ASSEMBLYMAN McKEON: Thank you very much, sir.

Kelly McNicholas.

And then Lynn Newton is next.

Kelly, you have your--

**K E L L Y M c N I C H O L A S:** Good evening.

Kelly McNicholas with the New Jersey Sierra Club.

Thank you for the opportunity to speak.

We have testified previously at these Committee hearings, and I was going to take the opportunity to stand and say thank you again. But I feel like I must respond to the statement of NJBIA, because I find it shocking and appalling that they're calling for the increased production of nuclear power in New Jersey.

Our 23,000 members of the Sierra Club, who are mothers, fathers, children, and voters would not support anything like this. We're calling for the decommissioning of this plant and opposing the extension of the license.

And it's a testimony to your leadership tonight that you're down here listening to this. And I hope that you continue that leadership by pursuing what is a renewable energy policy in New Jersey. It's a big machine that's slowly starting to churn here.

There's been a 550 percent increase in the use of solar in the State of New Jersey in the last two years. Unfortunately, what decisions you may make about recommendations to Oyster Creek do not have a direct policy effect. But you can work on working with BPU to direct more resources to their renewable energy programs, because that's an issue that we're hearing a lot about -- that solar producers, and manufacturers, and distributors do not have enough resources at BPU to continue their business, and let them grow as much as they would like to, and get those rebates back. Because there is a demand for solar in New Jersey.

For those people who are opposing wind, pediatric asthma is one of the greatest concerns for our children, these days, in New Jersey -- the greatest health concern. So by refusing a clean source like wind, that's the option you're providing for our children -- regardless if it looks -- a foot above the landscape. Stick wind power off Seaside Heights. You can paint it neon. People will think it's a tourist attraction. It will blend right in up there.  
(laughter)

As far as-- Again, I think it's completely irresponsible to take the position that New Jersey needs to create increased nuclear power. Right now,

with the decommissioning -- if it were to take place in 2009 -- there's enough space at Yucca Mountain, should it open as scheduled, for the waste at Oyster Creek to go there. Continued production beyond that -- there will be nowhere for that waste to go. By 2011, if there's an increase in nuclear production, Yucca Mountain's going to be filled. We're going to be stuck with that waste. That is completely irresponsible. It's shortsighted. It's a corporate thinking process that thinks immediate, short-term profits, not long-term health for our families and for our children. We oppose that. We oppose the license extension.

Thank you, again, for your time. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Ms. Newton.

And Kevin Kamps is on deck.

**L Y N N   N E W T O N:** How are you doing?

I'm Lynn Newton. I'm from Warren Grove, New Jersey. I've been in Ocean County 23 years. I am the Manager of chemistry, roadways, and environmental at Oyster Creek. And I thank you for giving us an opportunity to talk today.

I'm honored to follow other colleagues and citizens who are providing the environmental benefits of nuclear power. They're not here to talk about losing their jobs, they're not talking about money in their pocket, and they're not talking about lost taxes. They're talking about the environment, and that impacts everybody.

So I'm here to talk about a couple environmental facts about Oyster Creek. These are 2004 facts. And I'd like to share with you-- We had

an outage planned this April that was in compliances with the NJPDES permit. But when we looked at the environmental impact it may cause to shut the plant down in April, we rescheduled that. We had contractors on site, people ready to work. But it didn't make a difference. When we looked at the environmental conditions, and the proposed upcoming weather, we realized that we were going to have an impact on the environment, and we rescheduled that outage.

Our Fall outage -- we had a relatively warm Fall, and then had a cold snap about four weeks before the outage was scheduled. The environmentalists at the plant noticed an increasing number of migratory fish in the canal. We hired a contractor to assess the species and the number of fish in the canal. We put a plan together to reduce the shutdown rate of the plant, based on information we knew about mortality studies of the fish we found in that canal.

In addition, we partnered with aquariums to come and take specimens out of the canal and take excess fish and release them elsewhere so they can continue to migrate. We engaged an environmental specialist to assist us, had the Department of Environmental Protection review our plan, and also had the Department of Environmental Protection representative walking the banks with our personnel during the shutdown of the plant. I am proud to say that the Oyster Creek Station had zero environmental negative impact this year, the year 2004.

Fact: We know it's a challenge to operate the plant on an open water like Barnegat Bay. Barnegat Bay is an enormous natural resource. And we're all blessed to live in an area that we can enjoy its benefits. But, as such,

it's important that Exelon maintains a good environmental stewardship. The plant is located on the bay, and it's not on an isolated pond. I assure you that we operate the plant in accordance with the current NJPDES permit.

It's important for us to understand the impact on the bay of our operations. It's previously alleged tonight that, now, we're required to remonitor the impact the plant has on the bay. We've always been required to do that. That's not something new. That's required by the 316 Alpha and Bravo Federal environmental laws. Studies have been performed. The results were reviewed by the New Jersey DEP. And that's part of how you obtain a new NJPDES permit.

Back to the challenge on the environment. Migratory fish in the bay pass by the discharge canal in the Fall as they're being prompted to migrate. And they get into the canal and can actively winter over in the canal, unless there is a trip of the plant. As discussed earlier, by Mike Button, we've made improvements in the plant to improve the reliability of it and train the operators, which reduces plant trips and, therefore, protects the environment. So if I can boil that down for you: Those improvements are helping us protect the environment. And I'm proud to work for the company who has learned from their mistakes and is moving forward to be an environmental steward.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much for your testimony.

Mr. Kamps, you're the last of the witnesses who has not testified in the past.

**K E V I N   K A M P S:** Thank you for this opportunity to speak.

My name is Kevin Kamps, from Nuclear Information and Resource Service, in Washington, D.C. And I'd like to focus on the high-level radioactive waste issue at Oyster Creek.

And I just handed out the handout there for each of you.

In 1969, there were zero tons of high-level radioactive waste located here. After 25 years, in 1995, there were 374 tons of high-level radioactive waste at Oyster Creek. By the end of 2002, there were over 500 tons. By the year 2011, there will be nearly 700 tons of high-level radioactive waste at Oyster Creek. And that year 2011 is a very important one. Even though Oyster Creek's license would end in 2009, the year 2011 is when Yucca Mountain is full.

Just this past Monday, the Department of Energy announced for the first time that Yucca Mountain cannot open until 2012. Before, they had said 2010. So that means in the year 2011, before Yucca Mountain opens -- if it ever opens -- it will already be full. It will just be a question of moving the waste there.

So if Oyster Creek gets a license extension, if it operates 10 more years to 2019, there would be 844 tons of high-level radioactive waste. If it gets a 20-year license extension, there will be over 1,000 tons of high-level radioactive waste at Oyster Creek.

And what this means is, all the waste made after 2011 would be excess to Yucca Mountain's capacity to take it. So unless there's a second repository opened in the eastern United States, that waste -- over 300 tons of high-level radioactive waste -- would have nowhere to go. It would be stuck here at Oyster Creek.

And what is high-level radioactive waste? It's a very deadly material. It can deliver a lethal dose of radiation in just minutes without radiation shielding. And that's why it's such a potentially catastrophic terrorist target, as well as accident potential.

Just last week, the Nuclear Regulatory Commission admitted that there will be 51 dry cask storage facilities in the United States by the year 2010. And just recently -- last week -- in the *New York Times*, the nuclear power industry was quoted as saying, "Even without Yucca Mountain, we'll be okay. We have dry cask storage," which is hypocritical, because in the year 2002, before the U.S. Congress, they said, "We need Yucca Mountain, immediately, as a homeland security measure."

Just recently, the Nuclear Regulatory Commission gave a 40-year license extension to dry cask storage at the Surry Nuclear Plant in Virginia. So that means 60 years of dry cask storage at Surry, Virginia. This is the trend in the industry.

I'd also like to point out that Exelon fired a whistle-blower named Oscar Shirani, who blew the whistle on problems with the Holtec containers, which are dry cask storage containers. They're also transportation containers. So that gives some indication of Exelon's corporate character -- that they fired someone who was doing his job, trying to expose problems with dry cask storage. And I'd be happy to provide those documents to you.

I'd like to respond to an earlier statement: The NRC should be trusted with these decisions. It's been mentioned -- the Davis-Besse near-disaster in Ohio. It came within a very narrow margin of the worst accident since Three Mile Island, just a couple years ago. And the NRC's own inspector

general reported that the NRC had put the financial profit of the company above public safety. And the NRC commissioners rejected their own inspector general's report.

The NRC also conducted a survey within the NRC of its staff, and found that over 50 percent of the staff fear raising safety concerns within the NRC, which is a very unhealthy sign. And over 50 percent also feel that the NRC's mission of public safety and environmental protection is not the priority at the NRC. This is the NRC's own staff, the NRC's own survey.

Oyster Creek has routine releases to air and water of radioactivity and other toxic chemicals. In terms of global warming impacts, uranium enrichment, alone, has global warming impacts. There's a string of coal fire plants on the Ohio River whose sole purpose for existence is to enrich uranium to use as fuel in nuclear power plants.

And about Europe -- countries in Europe, such as Germany, and Denmark, and Sweden, and Italy have either already phased out nuclear power or are on the path to phasing it out. And they are also leaving the United States in the dust on such technologies as wind power and solar power. The United States is far behind these smaller countries, in terms of renewable energy technology.

And I'd just like to point out that it's not a choice between coal and nuclear power. Human beings are smarter than that. There are renewables. There's wind and solar. There's also conservation and efficiency. Just to take Germany as an example. They have the same standard of living as we do, but they use half the electricity, per capita, to achieve that standard of living. We can do so much better here, and I hope that we will.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much for your testimony.

Okay, the final six witnesses -- three from each side of the opinion -- some of whom are married to others who've already testified, others come from the same organization. So, again, since you've already had the chance to address this Committee-- Please, I'm going to call you up, but try to limit it to something that might be new that wasn't already stated by you the last time.

So let me just call Buddy Thoman -- and to be followed by Suzanne Leta.

**B U D D Y T H O M A N:** How are you doing?

ASSEMBLYMAN McKEON: Hi.

MR. THOMAN: It's nice to see you again.

My name is Bud Thoman. I am a Business Agent for the International Brotherhood of Electrical Workers. I'm also a resident of Ocean County.

I am here on behalf of the 35,000 members of the New Jersey IBEW. We represent one in every 100 workers in New Jersey, many in your district.

I want to address three issues. First is the competency of the NRC. Second is the job losses that will occur. And third is the ancillary job losses.

First, the NRC. Rather than criticize the NRC, we should applaud them. These are highly skilled professionals, upon whom we can rely to make

honest, informed decisions. Their agenda is safety and nothing else. Their efforts take the politics out of the process and protect us all.

The immediate job loss is an issue. That is my second point. Here, I will rely on history. When the Zion plant closed, the more than 800-person workforce was almost immediately slashed to about 150. Within two years, they numbered less than 50. There were no replacement jobs. To think that there would be replacement jobs if Oyster Creek closed is foolhardy. Those middle-class jobs would disappear forever.

And third, the job losses won't end there. Oyster Creek is a massive economic contributor to the town, the region, and the state. Hundreds of security people, and many hundreds more tradesmen and women earn all or part of their taxpaying income from Oyster Creek. Small shops, restaurants, and others would be affected. And that says nothing about the loss of emergency training and property tax contributions made to Lacey and the county.

And why are these points so important? Because this is a hearing about the closing of a plant with a record of safety, reliability, and cleanliness. The record is clear. The decision should be, as well.

Thank you for the time to speak. (applause)

ASSEMBLYMAN McKEON: Thank you very much for your testimony.

Ms. Leta, I'm going to just hold off for a second, because as I promised, Mayor Quinn has arrived.

First and foremost, Mayor, in absentia, we all thanked you very much for your hospitality in making arrangements for this evening, for joining

us earlier before the tour. And we hope that this provides some sense of respite from what I'm sure are arduous budget hearings. (laughter)

**M A Y O R   G A R Y   Q U I N N:** Yes, I do appreciate your taking the time to let me say a few words this evening. I thank you very much, and I apologize for being late.

I prepared a statement, which I'd like to read into the record as testimony on behalf of myself.

**ASSEMBLYMAN McKEON:** That's your prerogative. As a colleague and Mayor, you're the only person that I won't even think about limiting. So you take the time you want.

**MAYOR QUINN:** Thank you very much. I appreciate that.

Mr. Chairman, Committee members, I apologize for being late this evening.

Unfortunately, due to a conflict, we had a very important Township Committee meeting. Our entire governing body has been tied up this evening. However, I would like to welcome all of you to Lacey Township. I would also like to welcome the residents of Lacey Township, as well as residents from other neighboring communities who may be with us this evening.

Mr. Chairman, I appreciate the Committee deciding to hold this information hearing in Lacey Township. It is entirely appropriate to have the dialogue on the Oyster Creek Generating Station in the community which is home and, arguably, the most impacted community by this facility.

Clearly, having Oyster Creek here has been of tremendous economic value to our township and to this region. The well-paying jobs and

multiplier impact of the purchase of goods, services, homes, and products in this region continue to help our economic engine. As long as this facility continues to operate both safely and securely, we want to continue this partnership of low-cost and reliable power, and local economic benefits as far into the future as possible. To that end, if the Nuclear Regulatory Commission review agrees, we support the 20-year license renewal proposal being put forth by AmerGen.

We understand that a number of nuclear plants in this country have already had their licenses renewed, with many more in the process of being reviewed currently. It is also our understanding that there have been several plants that have decided not to go through the license renewal process due to their own and NRC safety and economic reviews.

Just to get to the point where these plants are being considered for license renewal suggests to us that these plants have been well-maintained from both the capital investment and an operating perspective. We have confidence in the ongoing oversight reviews that are taking place by the NRC. And we are confident that the NRC's independence and strong expertise will ensure a rigorous review of all the issues that will occur, prior to the NRC making a decision on license renewal.

Although we believe that Oyster Creek was already a safe facility, we are very happy to see the enhanced security measures being put in place this past year.

As a former school board member, I have dealt with issues about funding, promises, and dedicated funds. Some have suggested that, because of the previously passed legislation, that even if Oyster Creek were to close,

Lacey Township residents would continue to receive State moneys in lieu of the taxes that we now collect from the plant.

Oyster Creek is an important component of our revenue stream, and we think that keeping this plant operating holds a better promise for continued revenue streams to the township of Lacey. One stroke of the pen could put an additional \$11 million on the backs of the senior citizens and citizens of Lacey Township. In addition to that, Oyster Creek has paid \$9.2 million in direct sales and local taxes. And the employees who work at the plant paid another \$3 million in local taxes.

Finally, I noted Oyster Creek has had a few missteps over the years. The fish kill was an unfortunate occurrence. However, my belief is in speaking with Bud Swenson down at the plant, and his management team -- that they are committed to the safest operation of this plant and would do nothing to jeopardize the trust we have placed into them. This was recently demonstrated in the most recent refueling outage at the plant. In conjunction with the New Jersey Department of Environmental Protection, Oyster Creek undertook extensive measures to ensure the safety of the fish population.

Many of the folks that work at that plant live in close proximity to this plant. I have high confidence in their commitment and the work ethic that exists in the men and women who are part of that plant. I know many of them personally, and I hope that you have the opportunity to hear from some of them this evening. I see a lot of these employees coaching Little League teams, volunteering at the fire company, organizing and participating in churches and community functions throughout the township. In addition to

all the hours that they dedicate to community service, they've also contributed over \$176,000 to the local United Way here in Ocean County.

I want to close again by thanking you for the opportunity to be heard this evening, and would welcome any of you to return to Lacey Township at any time.

On behalf of myself and the Township Committee, I thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you very much, Mayor. We really appreciate it.

ASSEMBLYMAN ROONEY: As a fellow mayor, and Mayor McKeon also, I'm struck by the numbers that you quoted. You're saying that it would be a direct loss of tax dollars of \$11 million, and then ancillary losses of 9 and 3.

MAYOR QUINN: Yes, the \$11 million would be the franchise tax that we would lose if the plant were to close down. The additional tax I quoted would be plant -- taxes we receive on the plant and the local taxes we receive from the people that work in the plant that actually live in the community.

ASSEMBLYMAN ROONEY: So you're looking at about \$23 million. You gave me 11, 9, and 3. I was writing down quickly.

MAYOR QUINN: Right.

ASSEMBLYMAN ROONEY: That's absolutely-- What is your total budget in the town?

MAYOR QUINN: If that were to happen in Lacey Township, we're talking about a 75 percent increase to the taxpayers of Lacey Township in a one-year period. The \$176,000 I spoke about is additional moneys that

the folks that work in that plant have taken out of their paychecks. And it's just donations that are made to different charities throughout Ocean County. So it's going to have a very serious impact on us.

ASSEMBLYMAN ROONEY: My Councilman from Northvale is here. He's also a resident of Lacey Township and has a summer place. His jaw dropped when you were mentioning the 75 percent increase.

Wayne.

MAYOR QUINN: Wayne, I hope if you were in opposition, you've changed your opinion now.

ASSEMBLYMAN ROONEY: No, no. (laughter)

ASSEMBLYMAN McKEON: There is also the possibility of a bene tax, though. You could just go that way.

ASSEMBLYMAN ROONEY: But he doesn't get to vote down here, either. That's the other thing.

MAYOR QUINN: I appreciate very much being heard. But it would have a very, very serious impact on the community here. Oyster Creek has been a very good neighbor to us. They provide a lot of jobs. These folks are very involved in the community.

I've been in the town 26 years, and I think it's-- My children were raised in town, my wife and I still live in town. And we-- I have toured the plant, just like yourselves, and I feel very safe. And I have expressed that to the community and Lacey Township people.

So I do thank you for making the effort of coming down and seeing that plant today, because it really does mean a lot.

If I could just ask one last thing. Mr. Most, who was going to read my statement if I was not able to get out of our meeting -- if he could just be allowed the opportunity to also speak on his own behalf tonight, because I kind of took his spot away from him.

ASSEMBLYMAN McKEON: It would be our pleasure.

Thank you, Mayor.

MAYOR QUINN: Thank you very much. (applause)

ASSEMBLYMAN McKEON: Suzanne Leta.

And, Mr. Most, you'll speak next, if that's okay.

**S U Z A N N E   L E T A:** It doesn't work for the short folks. (referring to PA microphone)

I'd like to thank you very much for holding this hearing in Lacey today.

I'll try and make my comments very brief.

You know why we oppose this plant -- primarily its age and design. The population growth has just tripled in size. And an evacuation is nearly impossible, especially for seniors and children.

What I want to focus on is the decommissioning of Oyster Creek, because I know there is a lot of concern about jobs. I know there's concern about the \$11.5 million in the energy tax subsidy that Lacey currently receives.

So I first just want to address the \$11.5 million. I've spoken in depth with Senator Connors. And in 1997, he was a key player in making sure a bill passed that allows Lacey Township to continue receiving that subsidy, whether or not the plant is open or generating electricity. So I want to make it clear that, obviously, there is 9 and three -- there's 12 -- there's another \$12

million there. But that 11.5 is granted in perpetuity. So I want to make that clear.

I also just want to talk quickly about the two types of decommissioning processes. Exelon has been telling their staff that they're planning on mothballing the plant, which is called a SAFESTOR process. In essence, it mothballs a plant, allowing radioactive material around the plant to decay before it's removed. Sometimes for decades -- and actually typically for decades. And, typically, companies use this SAFESTOR process to decommission a reactor when there's another reactor nearby in the same site that's still in operation. So Exelon is already using this method at Dresden in Illinois, for example, and Peach Bottom in Pennsylvania.

However, Oyster Creek -- where there's only one unit -- would make a good candidate for what's called DECON. And with DECON, a plant is properly decommissioned and dismantled. And to lower the risk of radioactivity to workers, plant owners can also choose to remove the slightly radioactive material first, and then allowing some of the more contaminated material to decay a little bit and then remove it later.

The story of Maine Yankee's decommissioning is a good example. The decommissioning started in 1997 and is now almost complete. There's about two to four months left. And Maine Yankee is a plant that's just slightly larger than Oyster Creek. And it's now actually six years into the-- Well, I should say, when the plant first operated, it had about 475 employees. Six years into the decommissioning, there were 430. In fact, three-quarters of the way through, 430 people were still working at that plant. So we think it's a pretty good option for Oyster Creek.

And then, according to Ray Shadis, who works for the New England Coalition, the plant owners actually had to install something -- they had to use something called golden handcuffs, where they gave employees bonuses just to stay on site, because they had experience with that particular plant -- for the decommissioning process.

You know that there's plenty of funds to decommission this plant fully. We want to make sure that the State does the right thing, and that you do the right thing, not just by asking -- or the NRC -- and by working with the Governor to make sure this plant is closed on schedule -- but also that the employees are taken into consideration when this plant is decommissioned. And I want to just make that very clear -- that there are different types of ways to decommission a plant. And you want to do it the right way.

Thanks.

ASSEMBLYMAN McKEON: Thank you very much. Decommissioning is something that will be part of our evaluative process and we'll learn more about.

Mr. Most.

**D A V I D M O S T:** Good evening.

My name is David Most. I've been working at Oyster Creek for 23 years now. I wear many hats. I sit on a solid waste advisory committee for the county. I also sit on the economic and development committee for Lacey Township. I really appreciate you guys coming down and taking a tour of Oyster Creek. I respect that.

What I wanted to discuss tonight is, we discussed the economic impact. We talked about the jobs. But I think we're missing the big picture,

and that's the infrastructure. If we remove Oyster Creek from the grid, that means that we lost 650 megawatts of base power.

Now, for the folks -- like Dave Chernesky got up here -- a plant employee -- and was talking about how this is educational. Well, a base-load plant like Oyster Creek runs seven days a week, 24 hours a day. We may come down for different, small maintenance outages, but that machine pretty much maintains a high capacity factor for two years. And then we shut it down, and then we refuel it, and then it goes another two years.

So the one speaker that got up there and was talking about irresponsibility -- and I'd like to address that issue. Because I, too, have learned quite a lot about renewable energies, because, obviously, these folks have some concerns. And I don't think I would be responsible standing up here, not educating myself on renewable energies. So I did that through a couple different avenues. I did that through the Web site, and I also called some different companies and contacts that I got through the industry.

And there were some pretty interesting facts that deal-- The Department of Energy did some -- they call them *wind density* studies across the country. And it turns out, the highest capacity factors for wind power generation is during the winter and the spring seasons, where we have storms. My point being is that it does not replace a base-load generator. It is an excellent complement to a base-load generator, because it complements the power in high-load demands.

So I say to you folks, if you look at the DOE Web site, and you look at the study they did, they actually classified the wind density speeds. And in our area-- They classify them one through nine, nine being the

strongest winds. Well, a number -- Class 2 -- they won't even build a wind farm. Well, we're in a Class 2 area in this area. Out West is where they build the big wind farms.

Now, each windmill is capable of producing 1.5 megawatts. Now, we're a 650-megawatt reactor. So you divide that by 1.5, you have to build 433 windmills to equate to Oyster Creek.

So I think when it comes to responsibility, we really have to research what renewable energies can do for us, because, obviously, we all consume electricity. And I'm talking as a resident, and I'm talking about the different hats that I wear. I'm talking about a person who lives out in the community.

So, again, I wish this board would support the relicense of Oyster Creek. And thank you for coming out tonight. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Okay. I promised to be concluded by 10:00. And if I want to allow the panel to get a word or two in edgewise-- So, with the last four witnesses, what I'm going to do is call up Mr. Wyatt Earp and Mr. Wayne Romberg together. You guys can come on up.

We'll want a gun battle, that's sure, Mr. Earp. (laughter)

**W Y A T T E A R P:** I'll make it very brief.

Good evening, everybody. We'll miss the formalities.

You know who I am. I'm Wyatt Earp. I'm with the IBEW, and also with the AFL-CIO for Monmouth and Ocean Counties.

But I also want to make the point that I'm a resident. I've raised my wife and three children here. And like so many of us, in these times, have

had the cancer issues in my family, too. So I am cognizant of that. But I want to just put a couple of facts -- couple of things that I heard -- and put some facts and things in perspective.

You heard the 433 windmills -- that's assuming that the windmills operate all the time, which they don't. They're a 30 percent factor, so it actually takes you to 1,299 windmills.

The other issue that I heard over and over again this evening was that the plant is not intended -- or wasn't intended to last 40 years. I won't make the same joke I made last time I testified. But, in fact, they've spent hundreds of millions to keep the plant up to date. So we have to take that all into perspective. It's not the same plant they built 40 years ago. It's not the same plant that was there 20 years ago. It's constantly being updated.

The NRC inspectors -- I heard that-- I actually know some of these people. I think I know a little bit about physics. These guys are-- I'm embarrassed as to how smart they are and how honorable they are. They're some of the best people I know.

We heard talk about the fish kills which have been addressed. But the point I want to make on the fish kills -- that's been addressed. It's been fixed. But keep in mind -- and we talk about-- I'm a union guy, and the issues are -- do we just care about jobs? Well, we do. But we hear over and over again -- everybody who testified that worked there lives in this area, they raise their family in this area. And when there was that fish kill, the employees -- the union employees of that company and others were afraid to talk to the press, were afraid to say what went wrong. There was no secrets. It wasn't

like, "If you say a word--" The people who talked about those fish kills are still working there today. So let's not just miss that either -- that there's people.

The greenhouse gases-- We know what fossil generation does, the amount of tons, and how it all floats in the air and flies all over. We heard the tons of nuclear waste talked about -- the fuel rods. In perspective, we're talking about a swimming pool or a three-car garage worth of fuel rods, as opposed to stuff that's floating throughout the atmosphere everywhere we are.

The solar-- Same thing--

ASSEMBLYMAN McKEON: Mr. Earp, it's not going to help if you don't look up at me. (laughter)

MR. EARP: What?

ASSEMBLYMAN McKEON: I need you to wrap up.

MR. EARP: Okay.

Solar and wind is not 24/7. They are building nukes in Europe. The power line issue -- because if they don't -- if the nuke isn't here, or power plant isn't here, you've got to build power lines to get it here.

The terrorist targets-- Let me just tell you, if I were a terrorist, I'd go for a refinery. I'd go for a liquid natural gas plant, because it would be a heck of a lot easier to hit, and they'd do a lot more damage than just trying to get through six feet of concrete and a whole lot of steel.

The other thing -- let me just -- Oyster Creek-- I heard somebody liken it to Chernobyl. And that's probably the sickest thing.

ASSEMBLYMAN McKEON: Mr. Earp, please.

MR. EARP: Last point.

Chernobyl was a graphite plant with no containment. Oyster Creek -- steel reactor. Then you have your dry well area around that, which is steel and concrete, and then six feet of concrete around that.

And then, lastly -- and I've spoken to this -- strontium-90. You look at the science, because everybody's quoting science-- If you look at the NRC, the DEP commission, everything says that the man-made -- other sources -- other man-made sources-- It's not Oyster Creek that's bringing the SR-90 in here. And you can't even detect what we make in the teeth.

And the report prepared--

ASSEMBLYMAN McKEON: Mr. Romberg has yielded his time to the gentleman from--

MR. EARP: The National Institute of Health, entitled "Cancer in Populations Living Near Nuclear Facilities" (*sic*)-- There's no reason, whatsoever, to believe nuclear power plants are contributing.

That's it. We've got to educate ourselves before we complain.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you.

Wayne.

**W A Y N E R O M B E R G:** I'm a Republican, so I get seven minutes.  
(laughter)

I want to thank the Mayor. I'm one of his taxpayers. Actually, I'm a new resident. I live on the south branch of the Forked River. And where I live it's fishing. All we worry about is fishing. And what we worry about is mercury in the fish.

We talked a lot about the plant. Everybody's in support of renewing it. What we don't need is to see more coal plants, because that puts mercury in the fish, and we can't eat them.

Thank you. (applause)

ASSEMBLYMAN McKEON: Very kind of you. Thank you, sir.

Last two witnesses: Paul Gunter and William Costanzo -- if you guys can come up together.

**P A U L G U N T E R:** Thank you.

My name is Paul Gunter. I'm with Nuclear Information Resource Service, in Washington, D.C.

I'd like to-- We have to put into context, also, that we're not only talking about tax dollars, but if you look at the Sandia study for the calculation for reactor accident consequence, we're also talking about potentially hundreds of billions of dollars in property damage and health consequence from an accident. So a lot depends on how much confidence you have in the Oyster Creek design.

In fact, Oyster Creek and the Mark I's is one of the key reactors in this country that should have been recalled in 1971, when the Atomic Energy Commission identified it as not a quality product. Oyster Creek should have, again, been recalled in 1985, when Harold Denton, with the Nuclear Regulatory Commission, told an industry conference that there was a 90 percent chance of failure of that containment.

And instead of a recall, in fact, what we got -- and probably what you didn't see on your tour today -- was the direct torus vent system, which was installed in 1989 and provides operators at Oyster Creek and other Mark

I's around the country with a choice that, in the event of an accident, they can vent containment in order to save it. That's because this containment has been identified, long, as inadequate and not a quality product. And that's what we face today with an aging facility.

But what about the NRC? This is the same agency that oversaw this direct torus vent system installation. They are now going to be in charge of the relicensing.

And I wanted to end with just a couple of quotes to put their independence into context. The first is from an investigative report that was presented by the Subcommittee on General Oversight and Investigations, Committee on Interior and Insular Affairs, U.S. Congress, in December 1987. It reads, "Over the past several years, the Nuclear Regulatory Commission has demonstrated an unhealthy empathy for the needs of the nuclear industry to the detriment of the safety of the American people." That quote goes on, and you can continue to read that within the handouts that I've provided you.

But to put that into a more current context, the Office of the Inspector General, in a report issued on December 30, 2002, entitled "NRC's Regulation of Davis-Besse Regarding Damage to the Reactor Vessel Head," what they quoted was to say, "NRC staff considered the financial impact to the licensee of an unscheduled plant shutdown. The fact that NRC allowed Davis-Besse to continue operating without performing inspections was driven in large part by a desire to lessen the financial impact on FirstEnergy, the operator, that would have resulted in an early shutdown."

And, in closing, the same agency that is going to be considering the relicensing hearing -- the U.S. Government Accountability Office, in a May

2004 report, said, "NRC has proposed no actions to help it better, one, identify early indications of deteriorating safety conditions at power plants; two, decide whether to shut a plant down, or; three, monitor actions taken in response to incidents at plants."

You've heard tonight--

ASSEMBLYMAN McKEON: Sir, I've got to ask you to wrap up, please.

MR. GUNTER: You have heard tonight that there is a very significant population around this plant that has no confidence in the safety or regulatory oversight of this agency. And I submit to you that there is a long history that has resulted in them arriving at that position.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Mr. Costanzo.

**WILLIAM COSTANZO:** Okay. Thank you for being here, and thank you for any chance to speak.

I'll make it quick.

ASSEMBLYMAN McKEON: Thank you.

ASSEMBLYMAN ROONEY: Could you adjust the microphone?

MR. COSTANZO: Oh, this one. (referring to PA microphone)

I'll make it quick.

Last night, on the news, I saw that the attorney generals of seven states basically said that the NRC is on the side of industry. That was on CNN. Previously, in 2002, 27 attorney generals made a plea to various

congressmen for more safety at the plants, because they didn't feel that the plants were safe. So much for the NRC.

I want to comment on the gas -- the use of gas in plants. There is a-- There was a nuclear plant in Colorado which changed over to gas. When they finally did the whole changeover, the output went up. So it is a very, very viable alternative to nuclear.

Incidentally, the nuclear industry is subsidized at \$7.1 billion a year. If you divide that out by 103 plants, you get about \$70 million per plant. So if you figure what they're putting out -- it's being subsidized. So every kilowatt that you're paying for is being subsidized by the government.

Now, I'd like to also comment on how clean everything is. We talk about how clean it is, because the air looks nice and clean. We don't have any black smoke in the air. Nuclear power generation depends on uranium. U.S. power plants use more than 40 million pounds of uranium. That's 40 million.

Now, after the uranium ore is mined, uranium is extracted, leaving behind large volumes of what's called *uranium mill tailings*. These have the appearance of sand, and they're considered low-level. But these tailings -- they pollute the ground and surface -- they pollute the ground and the surface water with radioactive and nonradioactive toxic substance, such as polychlorinated biphenyls, that's PCBs; chlorine, ammonia nitrates, zinc, and arsenic.

Now, in Utah, the toxins leaking from the Moab uranium tailings pile have contaminated ground water supplies and traveled down the Colorado River, contaminating the source of drinking water for approximately 25 million

people. That's 7 percent of the U.S. population. But they keep saying it's clean. It's not clean. It's very, very dirty.

ASSEMBLYMAN McKEON: Mr. Costanzo, I noted that you're reading from something. We'd be happy for you to get copies, to the extent that you can. And we'll consider it. And I'm going to ask you to wrap up now.

MR. COSTANZO: All right.

I just wanted to say that, because they talk about how dirty coal is, but the thousands of pounds of coal don't compare with the 40 million pounds of uranium, which is far, far worse. So they both pollute. But the uranium is going to kill us.

Incidently, one of the byproducts of the whole nuclear industry is -- I believe it's called tritium.

ASSEMBLYMAN McKEON: I'm going to ask you to make your final point.

MR. COSTANZO: Yes, final point.

Tritium is a radioactive form of hydrogen. What does that mean? Water is made up -- H<sub>2</sub>O, two hydrogen, one oxygen. So, essentially, you use hydrogen atoms in our body. Now, if anyone gets some of these tritium atoms in their body, or in their genetic material -- particularly in the genetic material -- it's going to make an awful mess. And, essentially, they are polluting us like crazy.

So, these are some of the things that you don't see but are happening to us. That's it.

Thank you.

ASSEMBLYMAN McKEON: Thank you very, very much.

Let me thank you.

First off, let me just say a few quick thank yous, and then I'm going to allow my colleagues to have a word or two to say.

First, thank you to the State Police. They all -- on your way out -- have passes. You can go as fast as you want to get home tonight. (laughter)

But I appreciate your professionalism, and thank you.

I'd like to thank members of the staff. Becky and Mike work for OLS and have been terrific in taping today's procedures. Thea Sheridan is with partisan Republican staff, and Dave Eber is with partisan Democratic staff. I don't know -- Kate McInerney was back there too, also with partisan staff.

I mention partisan, because, you know, the truth is, this isn't a partisan issue. It's not Democrat, Republican, Independent. This is about all of us. And, hopefully, in a way that we'll conduct ourselves in a bipartisan way -- as our staff will -- I hope that the State thinks of this issue, in doing the right thing, having nothing to do with politics.

Carrie Anne Calvo has an incredible reputation as a member of the Office of Legislative Services.

And we're fortunate, as citizens, to have you, Carrie. Thank you.

I'd like us to take a moment and give all of the professionals a round of applause. (applause)

Of course, Mayor Quinn, again, thank you.

Lacey Township police who've been here, thank you very much.

And last but not least, on the thank yous, are to the citizens. Other than Mr. Gayley, who I almost had to have restrained three or four

times (laughter), everybody has conducted themselves as I would expect all of you would. And we really appreciate -- notwithstanding the passions that came out in your testimony -- the way that you respected each other and respected our time. So thank you all very, very much for that.

I have a few things to say, in sum, substantively, but I'm going to start to my right, to the Dean of the Legislature -- as correctly stated -- Assemblyman Rooney.

ASSEMBLYMAN ROONEY: Actually, I am the Dean of the Legislature. And I've been on the Environment Committee for many, many years. I was vice chair when Maureen Ogden was the chairperson of that Committee, when we had to pass legislation, basically, in compliance with the Clean Air Act. And since that time, New Jersey has not met its obligation, under the Clean Air Act. We are the most polluted state in the country, bar none. We never meet the Clean Air Act. We could turn off everything in this state, every automobile, every power plant, and we still would not meet the standards of the Clean Air Act. That's a major problem.

We keep telling our people to clean up. The problem is that the air coming from west of us, coming west to east, pollutes our state. And most of that comes from power plants in other states that are coal-fired power plants. They're the dirtiest plants imaginable. They should be cleaning that up to clean up New Jersey's air. And that's the problem.

I've been fighting the battle of MTBE, as an additive for gasoline, because it's supposed to have less carbon dioxide in the air. The only problem is, it puts things like formaldehyde in the air. So we can be either -- have

carbon dioxide or be embalmed as we drive along. So these are the paradoxes that are basically presented to us.

Are you in favor of the environment? Because nuclear power does have less pollution here in New Jersey, not where the nuclear fuel is produced. But, here in New Jersey, it is a benefit to our environment.

I listen to testimony that says that we'll have the approximation of three million new cars on the road if we eliminate this particular plant. But right now, 30 percent of the pollution in this state is created by automobiles. So if you're going to take 30 percent and have another three million cars, we're going to double the number -- or the pollution in our state. This is the wrong thing to do.

Economically, this power plant produces power at two to three cents per kilowatt hour. I checked that today. I asked the question.

Jim, you're here. Thank you for the information.

Two to three cents a kilowatt hour is good economic sense, because I think on the grid, right now, the power pool is paying three and a half cents or four cents a kilowatt hour to purchase -- this is public service and other people -- are purchasing off the grid for that.

Now, the only comparison here is a coal fire plant, which would be approximately the same, or maybe even higher -- at a higher cost of pollution. So, economically, it doesn't make sense to close this plant.

I listened to the IBEW, AFL-CIO. If we're going to lose whatever number of jobs this is, this is another economic problem. (cellular phone rings)

Is that me? I cannot believe it. I'm sorry. I apologize.

ASSEMBLYMAN McKEON: It's your wife telling you to sum up, sir. (laughter)

ASSEMBLYMAN ROONEY: Very good, Mr. Chairman. Very good.

So the issue of job loss is a problem.

I do have a concern for the residents with the safety issues. I'm concerned with the building itself. The reactor building concerns do trouble me, and they should trouble all of us. If somebody can get into that plant-- (cellular phone rings)

I apologize again. This is going off.

But if that can be resolved by the plant, then let's do it. Let's get it done. We need to get those concerns done.

The nuclear waste is another problem. There's no way in the world we can predict what's going to happen down the road. The Federal government is responsible for making sure this nuclear waste is safeguarded. We certainly-- And I know a lot of-- I was thinking, where are the subsidies? And part of the subsidies are to develop a place -- a safe place for the spent nuclear fuel. And I don't want anybody else but the government to maintain that and keep it safe. That's a big concern.

So there are concerns. But I don't want to throw out the baby with the bath water. I really don't. I'd like to see, as much as possible -- we solve these problems, these concerns that the residents have. And I leave that to the people at Exelon.

Listen to what has been said here tonight. Address those concerns -- the safety concerns -- and then maybe we can go forward together and do the right thing.

So that's my observation. I'm sorry I missed the first meeting. But I really appreciated being at the plant, being able to see the security. I was totally impressed. In my job, I have had to go-- My councilman couldn't get in the plant. He didn't have a photo ID and wasn't prescreened. But in my job in the electrical industry, I've had to go to maximum security prisons and go through their security system. Let me tell you, that plant has better security than Shawangunk prison in New York, which is the maximum security prison. That is the epitome. And it's nothing compared to this.

So, again, thank you for the tour. (applause)

ASSEMBLYMAN McKEON: Assemblyman.

ASSEMBLYMAN GORDON: Thank you, Mr. Chairman.

I'd like to add my thanks to all of you for coming here this evening. We heard an awful lot tonight, and I learned a lot.

I'd particularly like to thank the staff of Oyster Creek for the tour that I was given today, which I found very enlightening.

I'm going to withhold my judgement about this issue until our hearings are completed, but I would like to pick up on a couple of points that we have discussed during the course of these two hearings. We heard a number of comments today about -- concerns about the evacuation plan. And I'd like to respectfully request, through the Chair, that this Committee obtain a copy of the evacuation plan for Oyster Creek, so that we can evaluate it.

ASSEMBLYMAN McKEON: It's an excellent suggestion. I'll make certain that, assuming it's not proprietary -- or if it is, I'll have it, in a privileged way, distributed to us and the Homeland Security Committee in anticipation of that hearing.

ASSEMBLYMAN GORDON: Thank you, Mr. Chairman.

Also, at our last hearing, I raised questions and made some comments about the public alerting system in place at Oyster Creek. I expressed some concerns about the effectiveness of sirens and the opportunities available now with new technologies for public alerting, particularly high-speed telephone alerting systems.

I would be interested in hearing from, perhaps in letter form -- hearing from either Exelon corporate or plant management as to the status of any kind of review that is going on of the alternatives to the siren system.

Again, I just want to thank everyone for coming tonight and for participating in this most important issue facing your community and our state.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, Assemblyman.

Very briefly, in conclusion -- and I said at the outset, thanks to Bud Swenson and all the good people at the Oyster Creek plant, again, for their hospitality and for the informative tour today. And I do thank you for that.

At our next Committee hearing in Trenton, we'll collectively talk about our next step. There will be at least one, if not two, more hearings out in the public. Perhaps one in Monmouth County, maybe another one a little

south or west of here, and then, certainly, a hearing in Trenton, whereupon we'll meet with Homeland Security, as I referenced.

Just a couple of things, where I've kind of come in the process, and a few things picked up today-- Frankly, in one level -- is what I expected. And I can tell, based upon my prior research from the testimony in Brick, and from seeing it first hand, that there is no doubt that there are trained, dedicated professionals that make up the 450 people that work and man that power plant. I think that that is clearly a given. We happened to run into some -- a full-time member of the NRC who is on-site, not weekly, monthly, or semi-annually, but constantly there to make certain that everything is in accord with -- as it should be. And so I have no question that the people that are on-site are as highly trained as could possibly be, and that to the extent that the government is able -- that there is as much regulation in place as there possibly could.

Remembering all the individuals are human beings -- they're all fallible, as are the equipment and the machines that make up the part of what the technology is, on an ongoing basis.

So, I think what we're going to run into, at this juncture -- and I had just a couple other things. My ears, my sense of smell aren't that great, but I'll tell you what. On site, I couldn't hardly hear anything. I didn't hear anybody here tonight, even though we're right in the backyard, come and complain about things like odors or about noise. So I'm also leaving with the sense, again, from my research and from seeing what turned out tonight, that those type of nuisances aren't there.

I think the thing that we're all concerned about-- And each and every one of us here, in spite of our points of reference -- whatever they might be -- we all want the same things. We all want to be able to, certainly, turn our blow dryers on and be able to put our TVs on. But at the same time, paramount to any of us, is the safety of ourselves and, particularly, our children and our families.

So we're all in this together. And I think that we would be burying our head in the sand if we didn't recognize that there is a prospect of -- whether it be terrorist, whether it be scientific, whatever it is -- that there is a percentage and a prospect of some type of accident. And because of the density of the population that's grown in this area through the years-- I mean, it's no secret that L.B.I., in the middle of July -- it was that way 20 years ago, let alone what it's like now, taking in all the other population -- would be disastrous, God forbid, that would happen. And all of us have to really take a look at the prospects and the percentages of that happening, as well as the very real need to replace the efficient power that is provided through the industry, in coming and, ultimately, making our decision, in order to make our recommendations to the NRC.

Anyone that thinks, in my view, that we should just let the NRC do what it's going to do-- I don't question their motives, I don't question the individuals that are there. But I do -- in the same way that what everybody here said was valuable, today -- we could have just said, "Your opinions don't matter. The NRC is going to do it." Well, that's not true, your opinions do matter. And, I believe, as will ours -- which will be reflective, collectively, of all of them. And, hopefully, sifting through things, and the balancing act that the

end process will make -- will be wise in what we ultimately view, in our position as State legislators and members of the people's house -- what we think is in the best interest of the people of this immediate area and all 8.5 million that live here.

So, it's with that, we certainly need a component to involve and include the BPU. I'm going to ask Commissioner Fox, myself, to appear before one of our Committees to talk about: (a) the perspective replacement of that power, should the plant be decommissioned; and (b) to best understand the decommissioning process. There's certainly an economic component that will go there, and we need to know all of that.

Once again, Mayor, thank you.

And to all of you, thank you. And we look forward to working together for a better New Jersey. (applause)

**(MEETING CONCLUDED)**