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# ***Committee Meeting***

of

## ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

*“Testimony related to the Oyster Creek Nuclear Generating Station”*

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**LOCATION:** Civic Plaza  
Brick, New Jersey

**DATE:** December 2, 2004  
7:00 p.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman John F. McKeon, Chair  
Assemblyman Michael J. Panter, Vice Chair  
Assemblyman Robert M. Gordon  
Assemblyman Reed Gusciora  
Assemblyman Louis M. Manzo



**ALSO PRESENT:**

Carrie Anne Calvo-Hahn  
Lucinda Tiajoloff  
*Office of Legislative Services  
Committee Aides*

David Eber  
*Assembly Majority  
Committee Aide*

Thea M. Sheridan  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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**ASSEMBLYMAN JOHN F. McKEON (Chair):** Good evening, ladies and gentlemen. And welcome to what I would imagine -- although at the conclusion of our hearing we'll discuss it -- will be the first of a number of public hearings that will be held by the Assembly Committee on Solid Waste and the Environment.

I am John McKeon. I am a member of the Legislature from the 27th district. And it is my privilege and honor to be Chairperson of this Committee. The area, particularly, of the state that I'm elected by is Essex County. And, of course, I, as we all do, represent the entire State of New Jersey.

I'm going to have the roll called in a little bit of an unconditional way, so my Committee members -- who I'll comment on when they get back to me -- can introduce themselves. And then we'll talk about, when we get back to me, the ground rules of today's hearing.

Let me start with my good friend Assemblyman Manzo.

**ASSEMBLYMAN MANZO:** Good evening.

My name is Assemblyman Louis Manzo. I'm from the 31st legislative district. That encompasses the southern portion of Hudson County.

Just so you feel more comfortable, my mom lives just in Belmar, which is a stone's throw from here. And I'm also, by profession, a registered environmental health specialist. I had previously served as a freeholder, and chaired the environmental freeholder committee of the Hudson County Board of Freeholders, back in the early 1990s. And this is a much similar type of hearing. At that time, on our board, we were concerned with the construction of an incinerator in Hudson County. And we had hearings similar to what

you're going to experience tonight, mainly to get a lot of public input and to get a lot of questions answered, so decisions can be made.

And I just want to salute everyone's civic activity in coming out here tonight on such an important issue.

It's my pleasure.

ASSEMBLYMAN GUSCIORA: Good evening, everyone.

My name is Reed Gusciora. I'm an Assemblyman from the 15th district, which is Mercer County. And I'm glad to be here.

In my former life, I ran through these towns a few times on a number of campaigns. I got to work with Mayor Scarpelli and a few of the other elected officials. So I'm glad to be here and look forward to the testimony.

I actually had two aunts that lived in Lacey Township. I used to swim in the Forked River lakes when they had docks. So we went past the Oyster Creek many times since my early years.

So I look forward to the testimony from the citizens, the workers. And, hopefully, whatever decision we make will be in the best interest of all New Jerseyans.

ASSEMBLYMAN GORDON: Good evening, everyone.

I'm Bob Gordon, the Assemblyman from the 38th district, which encompasses 13 towns in central Bergen County, roughly Fairlawn and Paramus to Fort Lee. I'm the former mayor of Fairlawn. And in my professional life, I founded a consulting firm specializing in emergency management and disaster preparedness five years ago. And I have a particular interest in evacuation planning, public alerting systems, public warning systems. I do a lot of work for

utilities. And I'm quite familiar with the risk assessment methodologies developed by the Sandia National Laboratory for nuclear facilities. So I have a professional interest in the information we're going to hear tonight.

I appreciate all of you coming out, and I'm looking forward to hearing testimony from all of you tonight.

Thank you very much.

ASSEMBLYMAN PANTER: Good evening, everyone.

My name is Michael Panter. I'm an Assemblyman whose district spans across much of Monmouth and Mercer counties. So I'm in fairly -- not as close proximity to Oyster Creek as many of the folks in the audience here are tonight. But we have spoken with many of you, I know, before tonight, because it's certainly been an issue that we've been following very closely.

I think, just briefly-- My initial thoughts are that we, really, have two duties here tonight. And I don't think our duty ends here tonight, because I think it's next to impossible, while this is a great start, to really get all the input, all the guidance, and all of the information that we need to come to a well-researched conclusion with respect to what should happen to Oyster Creek, going forward. But I think this is an important part of the process.

I think one of our duties is to ask some of the tough questions, with respect to concerns that have been voiced about safety, about security, and about some of the specific instances that have occurred at the plant in the past.

But our duty is also not to jump to conclusions. I think we need to conduct an objective assessment of what those risks are and weigh them against the benefits that this plant brings to the community, brings to the many workers who are there, and all of us who have a very, really, vested interest in

Oyster Creek. Because we all are one community, even though we might have conflicting opinions as to what should happen at this plant in the future.

So I look forward to this process tonight, and continuing it in the weeks to come. Because I think ultimately, New Jersey needs to clearly state its position on Oyster Creek. Although it's a Federal decision, the plant is in our backyard. It's not in Washington, D.C.'s backyard. And for that reason, we really have to weigh in with everything we have at our State government's disposal.

But thank you very much for coming.

ASSEMBLYMAN McKEON: Thank you, Vice Chairman.

And thank you all for being here.

While everyone was telling personal stories, I would be remiss if I didn't mention that my nephews, Michael and Tyler Mader, are here. So welcome, and thank you both, young men, for being here for a personal lesson in democracy and civics.

What I want to do is, first, compliment the members of this Committee. This is, by far, the hardest working Committee in the Legislature. All of us, beyond our regular duties in Trenton where we spent most of today, have kept up a very rigorous Committee schedule, where we've gone out into the community. We were all privileged to be a part of the process that culminated in the Highlands Preservation Act. And with that, we went into the areas throughout northern New Jersey that were most affected.

Similarly, it's our view that this is an important thing to do. Trenton isn't easy for working people to get to. And thus, we believe meeting in the evenings, in the communities and areas most directly affected by the

decisions we'll make, is what we think is the most appropriate way we can to serve the citizenry.

And so, although we haven't exactly concluded what our next step is -- and we'll talk about that at the conclusion of tonight's hearing -- the likelihood is that there will be other hearings like this within the region over the next several months and, perhaps, even year, as we go forward in this evaluative process.

I just want to mention one other thing, expanding upon what several of the members stated. And that is, officially, we have no role in this process. The Nuclear Regulatory Commission, and our Federal government, is vested on the decision as to whether to relicense, or whether or not to start the decertification process.

Nonetheless, as the people on the point and responsible for the environment in the State of New Jersey, and on behalf all 8.5 million people that live here, I think it would be an abrogation of our duty -- and my Committee members agree with me -- if we didn't enter into a very learned evaluative process, with the hope of expressing our opinion, perhaps in the form of a resolution for the entire Legislature to consider, to let our Federal representatives in the NRC -- who, after all, serve us -- know what the people of the State of New Jersey want.

Now, with that, I also tell you that I don't think any of us are preordained. Like any jurors, if you will, you come with your life experiences. And we may all have different thoughts about nuclear power, and the good and the bad, and all understand the many people that work-- We all like to use light bulbs. God knows that's the case. So we're all coming, in this, hopefully with

an open mind, and we're going to listen, and we're going to make a determination -- which is what I think you would hope us to -- not to be overpassionate, but rather to be intelligent in our approach and, ultimately, evenhanded. And our decision will have that much more effect, I believe, relative to what people in the Federal government will think, when we come to a final conclusion.

With that, here are the ground rules. I want to begin with representatives from Oyster Creek who, quite frankly, didn't have to be here today, who I promised -- as I know all of you would -- will be treated in a dignified and respectful fashion.

As opposed to how I'm going to treat the rest of the witnesses, I am going to have my Committee members be in a position to question those three witnesses -- who will come up together -- in a limited fashion, just to mention some things on their minds that will clarify some of the points made, I'm sure, by the witnesses. And then we'll go on thereafter.

After the first group of witnesses from Oyster Creek, I will then call upon our host, Mayor Scarpelli, and several other elected officials from the region, to comment -- as some of the communities already have through resolutions -- as to what their positions are as local elected officials. And then, in no particular order, hopefully pro and con back and forth. And I know there's some union representatives here I'd like to call on, early on. We will hear from you.

Because of the number of witnesses that we have scheduled, I'm going to keep the comments beyond the first three -- only because, as industry representatives, I think they would naturally have at least the most to say, to

start with, from an informational perspective -- we're going to limit the witnesses to no more than five minutes. And all of us on the panel, without exception, are not going to be asking questions of those witnesses, but rather, taking notes.

If this all works the way I would like it to, we are going to conclude this evening by 10:00. I would really think that once you get three hours into a process, you start to lose a little bit of steam, and it gets to the point of diminishing returns.

So, Tyler, you'll get to bed early tonight.

And with that, I would now like to call upon Bud Swenson, Bill Levis, and Richard Goldberg.

If the three of you can come up and state your names, again, for the record, and your titles.

If the three of you don't want to come together, one at a time is fine. And then let's limit you to about three minutes each, because I'd like to keep, total, your direct testimony down to about, collectively, 10 minutes or so.

**B U D S W E N S O N:** Very good.

ASSEMBLYMAN McKEON: Okay?

MR. SWENSON: Thank you, Mr. Chairman and members of the Committee.

My name is Bud Swenson, and I'm the Site Vice President at Oyster Creek Generating Station. It's owned by AmerGen and its parent company, Exelon.

I live in New Jersey, and I want to let you know that I am committed to making sure that Oyster Creek operates at the highest levels of

safety and security, with attention to the environment, and with the communities that it operates in.

Although time does not permit me to go into great detail about the plant, I have provided the Committee with information packets, and extended to each of you an invitation to tour Oyster Creek and see, first hand, the substantial amount of security and other enhancements that we made, at a cost of more than \$20 million.

Now, Mr. Chairman, with your permission, I'd like to introduce Exelon Nuclear's regional Vice President, Mr. Bill Levis, who will provide you with an overview of why AmerGen has decided to seek license renewal, and a summary of the license renewal process.

ASSEMBLYMAN McKEON: We'll do that.

I want to make two comments -- one I forgot about. And that is, some of the individuals that didn't introduce themselves, to my right and left -- and then staff are out there -- are very, very hard working members of the staff of both partisan and the Office of Legislative Services. And I appreciate very much their professionalism and them giving up their evening to be here with us today.

Secondly, I know from speaking to all Committee members that each of us committed to come, prior to making any conclusions, to make a personal site inspection and visit, at your invitation, to the facility; and we will do that.

MR. SWENSON: Thank you.

**WILLIAM LEVIS:** Thank you, Mr. Chairman, Committee members.

My name is Bill Levis, Vice President of Mid-Atlantic Operations for Exelon.

Exelon is one of the largest electric utilities and the largest owner/operator of nuclear power plants in the United States. Exelon owns and operates 17 units located in New Jersey, Pennsylvania, and Illinois. In addition to Oyster Creek, Exelon also has an ownership share in the Salem Generating Station, in Lower Alloways Creek, New Jersey. In addition to nuclear, we also own and operate a diverse generation portfolio that includes coal, natural gas, oil, hydroelectric, landfill gas, solar, and wind generation technologies.

A decision to renew the license for Oyster Creek is based upon a firm belief that the plant is a cleaner and less costly source of electricity supply than other base-load alternatives. We also believe that the plant can continue to be operated safely and provide economic value, as we leverage our strong and proven nuclear expertise into operating excellence.

Some other nuclear plants that might have been candidates for license renewal have not met the safety and economic tests, and instead, their owners have decided to remove them from service. The plants that make it to the point where we are now have already passed rigorous internal reviews, assessment, and analysis prior to the NRC undertaking their reviews. In addition, Oyster Creek has a continuous oversight and has made regular upgrades, replacements, and improvements to the operating systems over the years.

The safe and secure operation of our nuclear power plants is the highest priority for our company. Safety also makes good business sense. If

these plants do not operate safely, they risk being shut down. If they are not operating, they are not contributing to our company's bottom line.

We also understand the trust that the public places in us regarding the operation of Oyster Creek and every other nuclear plant in our fleet. The clean, safe, and reliable operation of our nuclear fleet is not only desirable, but is required in order to keep public trust and allow our business to continue.

From a regulatory oversight perspective, the Nuclear Regulatory Commission, more commonly referred to as the NRC, has that responsibility, and has assigned two permanent inspectors at the Oyster Creek, who have the appropriate resources to independently perform their oversight functions. Routine inspections and operational audits take place regularly by the NRC. And in 2003, the NRC conducted in excess of 6,000 hours of direct inspection activities at Oyster Creek Station.

Oyster Creek is a 637 megawatt boiling water reactor that provides enough electricity to serve more than 600,000 homes. In New Jersey alone, nuclear power accounts for almost 50 percent of the electricity produced, with Oyster Creek providing close to 9 percent of New Jersey's electricity needs, and over 20 percent of Jersey Central Power and Light's current electricity needs.

This past summer, when the weather was hot and humid, and power demand was high, Oyster Creek was running and providing reliable, low-cost power to New Jersey and the region. In fact, the capacity factor for this plant, at the time, was almost 95 percent.

It is clear, through our analysis, that the Pennsylvania-New Jersey-Maryland Interconnection, or PJM, will need additional capacity in the next few years. Without Oyster Creek, even more capacity will have to be brought on

line. Relying on alternative sources of generation, like natural gas, will create potentially higher and more volatile electricity prices. And in the case of renewable energy, substantial quantities of intermittent capacity, that may be difficult to site and build, would be required to replace Oyster Creek.

In fact, if Oyster Creek were not available to provide power to the electric grid, substantial and costly transmission upgrades and additions would be required. In addition to reliability, transmission loading, and the costs associated with operating the system, there would be sizable challenges associated with both the siting and construction of system fixes due to the unavailability of Oyster Creek.

As I mentioned earlier, the need and higher costs for replacement energy, and the potential impact on air quality associated with these power sources, must also be taken into account. Our preliminary analysis indicates that the electric customers in New Jersey could be paying as much as an additional \$25 million per year in replacement energy costs. This replacement energy could result in the emission of millions of additional tons of greenhouse gases each year, and additional emissions of sulfur dioxide and nitrous oxide, which contribute to acid rain and smog formation.

Oyster Creek has recently completed significant security upgrades at a cost of more than \$20 million, meeting the NRC's October deadline for enhanced improvements for defense against potential terrorist attacks. And although I cannot go into specific detail, I can share with you the fact that more security guards, more training, more robust vehicle barriers, a new hardened vehicle checkpoint, miles of new fencing, and new guard towers-- Even prior to

the 9/11 attacks, nuclear plants were already the most hardened and secure commercial facilities in the United States. Now they are even more so.

From an operation perspective, Oyster Creek has invested an additional \$1.2 billion since the plant was first brought on line. An additional \$500 million is projected to be spent over the 20-year license renewal period. This investment has resulted, and continues to result, in improved operational performance for Oyster Creek.

With regard to emergency planning issues, the New Jersey State Police's Office of Emergency Management has an approved plan that provides for the movement of people in the event of an evacuation from the area. In addition, Oyster Creek maintains an emergency plan that is continuously reviewed by the NRC and the Federal Emergency Management Agency, and approved by the New Jersey Department of Environmental Protection's Bureau of Nuclear Engineering. This plan has been graded by both the NRC and FEMA on two occasions in the last four years, and has passed all reviews. The plan is continuously reviewed, revised, and updated.

Oyster Creek is an important economic engine to the region, employing over 450 highly skilled, trained, and dedicated people on site -- many of whom live in this area -- in addition to an around-the-clock security force that, in total, contribute to over \$53 million in compensation in Ocean County alone. Its economic multiplier provides even greater value to the county and region. Additionally, hundreds of building trades members are routinely employed at Oyster Creek, maintaining and upgrading the plant and security systems. We rely upon the strong support and commitment from our union,

labor, and management workforce to ensure the safe and efficient operation of Oyster Creek.

Oyster Creek is a low-carbon intensity and low-emission generating plant. It reduces greenhouse gas emissions and avoids further air impacts at the local level. And although Exelon and AmerGen continue to be strong proponents of renewable energy -- in fact, Exelon is the largest purchaser of wind power -- 165 megawatts electric, east of the Mississippi River -- these technologies cannot economically replace Oyster Creek's base-load capacity.

The decision by Exelon and AmerGen to seek a 20-year renewal of the Oyster Creek's operating license is based upon a thorough analysis of the condition of the plant, the value of the plant to the region, and future costs associated with its continued operation. From an Exelon and AmerGen perspective, these safety, operational, and financial tests have all been met. And earlier this year, we announced our intention to seek approval from the NRC to extend the Oyster Creek license for an additional 20 years.

Our schedule calls for the filing of an application in July 2005, with the NRC review to commence at that time. The two-part application includes both a safety review and an environmental report. By the time the Oyster Creek license renewal application is prepared, submitted, and reviewed, Exelon and the NRC will have expended in excess of 190,000 person-hours. The NRC will have undertaken an extensive and rigorous independent review and, where appropriate, made further inquiries of the company for more information and analysis. The NRC will establish a docket, review the submission, and solicit public input. Public input meetings and comment periods will be established.

It is anticipated that a decision by the NRC will take place by January of 2008, prior to the expiration of the current operating license in April of 2009.

To date, Exelon has filed for, and has received, NRC license renewal approvals for six units at three sites. Nationwide, the NRC has approved license renewal for 30 reactors, with other applications pending and under NRC review. Based on current plans for license renewal application, when the Oyster Creek license renewal application is submitted, 50 percent of the reactors in the United States will either have renewed licenses or have an application submitted to the NRC.

ASSEMBLYMAN McKEON: Sir, I'm going to ask you to conclude, so we can get to the next witness and then ask questions.

MR. LEVIS: In summary, Exelon and AmerGen believe that the Oyster Creek Generating Station can continue to play an important role in providing reliable and economic supplies of electricity, employing more than 500 people in good-paying jobs, reducing the need for new and potentially more polluting sources of energy, and being a responsible and contributing member of the New Jersey and regional communities. Exelon and AmerGen are proud to be in New Jersey and look forward to being able to continue to be an important part of the future.

I'd like to thank this Committee for conducting this hearing and allowing Exelon and AmerGen the opportunity to provide comments.

ASSEMBLYMAN McKEON: We thank you for being here.

Sir.

**RICHARD GOLDBERG:** Thank you, Mr. Chairman, thank you, members of the Committee, for giving me an opportunity to speak in support of the relicensing of the Oyster Creek generating station.

My name is Richard Goldberg. I'm President of the Commerce and Industry Association of New Jersey, representing approximately 700 New Jersey employers. Our members range in size from Fortune 100 companies to small entrepreneurs. All of them are important to the New Jersey economy, and Oyster Creek is important to them.

It is important to note that our board of directors voted unanimously two weeks ago to support the relicensing of the facility. This decision was not made lightly. After analysis of the facts, they concluded that Oyster Creek was a safe and reliable source of power for New Jersey businesses, as well as its residents.

Nuclear power is responsible for over 50 percent of New Jersey electricity, with Oyster Creek providing 9 percent of that power. Not only is it a major source of power, it is an environmentally friendly form of power, unlike coal, oil, and gas, which would probably be used to make up for the loss of Oyster Creek.

New Jersey, as you know, is a very expensive place to run a business. On top of the many taxes and fee increases we've seen in recent years, energy costs continue to rise. The closing of Oyster Creek would only exacerbate the problem, driving costs up as we lose a reliable source of in-state generation.

In response to security concerns, Oyster Creek and other nuclear plants located in the United States are built specifically to withstand impacts from earthquakes, floods, and hurricanes. These solid structures also can

protect against aircraft and terrorists assaults. During 2004, AmerGen has invested 20 million in security upgrades that will exceed the NRC's post-9/11 standards.

It is for these reasons that the board of directors of the Commerce and Industry Association of New Jersey urge your support of the relicensing of the Oyster Creek Generating Station.

Thank you very much. And everybody should have a copy of my testimony. I gave it out.

Thank you.

ASSEMBLYMAN McKEON: Thank you very much for your testimony.

Vice Chairman, would you like to start the questioning?

ASSEMBLYMAN PANTER: Sure.

I'll just ask a few brief questions, because I know we have time limitations on us tonight. I know we'll get a chance to talk, perhaps in more detail, in the future.

I guess one question which I have-- I'll just throw out, kind of, the two most general. One question I have is, we've seen a lot of publicity. And I myself have tried to do as much research as I could, in terms of the available information out there about safety at Oyster Creek, and had reviewed a number of the violation letters that had been issued during the previous five or six years, which are available on the Website of the Nuclear Regulatory Commission.

And I guess one question I have is, one fact that we've seen thrown around -- that I want to ask you if this is kind of a fair assessment -- and how you would address it -- is that Oyster Creek has experienced more violations

than the overwhelming majority of nuclear plants in the country. I'm curious if that is a fair assessment, and how it compares to the other 22 or 23 reactors in Exelon's ownership.

And I guess the second part of that question is, in characterizing those violations, are those the types of -- I won't say safety lapses, because that implies some kind of deficiency -- but safety problems that are encountered by virtue of the age of the plant? Or is it just a matter of something that happens, pursuant to your routine maintenance system, and then you make improvements going forward so it doesn't repeat itself. Will you just shed a little light on that for us?

ASSEMBLYMAN McKEON: And whoever is most qualified of your group to answer is fine with us.

MR. LEVIS: We look at the number of violations we get at Oyster Creek and all our stations. We take every one of those very seriously, because they represent not meeting our expectations.

In fact, the numbers at Oyster Creek are in line with other nuclear facilities around the country. Right in the middle, not excessive-- But like I said, we take every one of them very seriously.

And if you look at the characterization of those, they're falling in the minor category, meaning that we didn't meet all requirements, but, in fact, the real safety issue did not exist.

ASSEMBLYMAN PANTER: Maybe I just have one follow-up question, because I know that our -- my fellow Committee members will have questions, as well.

With respect to the workforce at Oyster Creek -- I know that there has been a significant decline in the total number of employees who are employed there. I think it was a peak of 1,000 or 1,100 employees at one time, and now you have about 450 or so. Do you attribute that to being a large company that has certain economies of scale and can consolidate operations? Why has that dynamic changed so radically over the past few years?

MR. LEVIS: Assemblyman, precisely.

We looked at the industry, the way it was shaping up, and we decided bigger would be better for us, and that there was significant synergies in economies of scale that could be gained. So, for example, we have an office in Kennett Square, about two hours from Oyster Creek, that provides significant support for Oyster Creek. And, also, supplemental labor from our other sites are available to assist; which, in fact, was done during this last refueling outage, where we brought significant resources from the corporation to assist.

ASSEMBLYMAN PANTER: I appreciate that. And perhaps I'll have a chance to discuss some of the other questions, that I know myself and Committee members will have, when we tour the facility or talk subsequent to tonight.

Thank you.

ASSEMBLYMAN McKEON: Thank you.

We can go right down the line.

ASSEMBLYMAN GORDON: Again, thank you very much for being here tonight.

I recognize that the State Legislature does not have much authority over this licensing decision. We can provide some input, but this is a Federal

decision. However, we clearly have oversight over emergency planning, evacuation planning. And I'd like to focus my questions on that.

Could you describe who is responsible for putting the evacuation plan and your emergency plan together? Is it the State Police, or are there other entities involved in this?

MR. SWENSON: The answer to that question is, yes, both. The State Police is the entity, in the State of New Jersey and, in fact, in the other states that also have nuclear power plants. The State is involved in approval and follow-up of the emergency plan.

In the State of New Jersey, it's not just a nuclear plant evacuation plan, a nuclear plant emergency plan. It's an all-in emergency plan. That would include things like fires, or hurricanes, or anything along those lines. And the State is a major player in that.

From an overall oversight standpoint, the Bureau of Nuclear Engineering, in the State of New Jersey, is involved in the specifics around the Oyster Creek emergency plan. Individuals at the site are involved in making sure that they're not only qualified in certain positions, but that we also have that staff available, on a 24-7 basis, should we have any issue at the plant itself.

Our operators are trained once every five weeks. They spend time in our simulator for about 36 hours. And part of that training is in emergency planning, so that they can deal with any issues that may happen at the plant. And part of that is -- a big part of that is involved in the communication side of things. So there are a lot of entities.

ASSEMBLYMAN GORDON: I thought I heard one of you say that the evacuation plan is certified and approved. Is that by the NRC? Aside

from the NRC, are there other entities that have taken a look at the evacuation plan and the emergency plan to review them? Has there been an independent set of eyes looking at these?

MR. SWENSON: Yes, there has been. Again, the New Jersey State Police Emergency Management has authority of that, and a big player in that. We have not only the Nuclear Regulatory Commission, but the Federal Emergency Management Association.

ASSEMBLYMAN GORDON: Okay.

Am I correct in understanding that your principal means of alerting the public of some kind of event here at Oyster Creek would be emergency broadcast in sirens? Do you use any other kind of alerting technologies to get the information out to the public?

MR. SWENSON: That is one of the primary methods for getting folks to turn their radios on, to tune in to whatever the issue may be. Whether that's a nuclear issue, or whether that's something other than that, that is one of the methodologies to do that.

ASSEMBLYMAN GORDON: This is a subject of interest of mine, and probably worthy of another hearing. I have to say, frankly, I was aghast that you're still relying on sirens and emergency broadcast to alert the public, when there are new technologies like high-speed telephone alerting -- relatively low-cost -- that are being used elsewhere in the state. Merrill Creek Reservoir, for example, which is the largest dam in the state, has just switched from sirens to high-speed telephone alerting. Bergen County protects 980,000 people with a system that costs about \$.20 per capita, per year. And the cost is dropping.

These technologies give you the capability of reaching 15,000 people in an hour. And the technologies are getting better.

Is there some reason why you haven't considered using those approaches?

MR. LEVIS: There's no reason, that I'm aware of, Assemblyman. I'll need to look at that and get back to you on that, in particular.

ASSEMBLYMAN GORDON: Okay.

Those are my questions. Thank you.

ASSEMBLYMAN McKEON: Reed.

ASSEMBLYMAN GUSCIORA: Thank you.

I do appreciate you coming. And, actually, I think our work here is important. And although it's not the final arbiter, nonetheless, this is a conduit for citizens to give input. And at the end of the day, I think that when we weigh in, it will be an important aspect of this process.

And, in fact, it's based on citizens contacting me -- whether e-mail, letters, just talking to people on the street. And one of the concerns that was expressed was the security force that's guarding the nuclear power plant. And there was concern about training. And one indication of training was, they were talking about the salary of a starting guard. And I was wondering if you could clarify that -- something about the training, as well as what's the starting salary of a guard at the power plant?

MR. LEVIS: The salary information, I'm not certain of. We can find that out for you.

The training, in fact, is very detailed. And, in fact, with the latest order that we refer to -- that the Nuclear Regulatory Commission put out -- was

prescriptive on the amount of training that the folks have: physical fitness requirements, live fire training requirements, accuracy requirements of different weaponry, and that sort of thing.

ASSEMBLYMAN GUSCIORA: Okay, thanks.

And, also, in your experience -- I don't know if-- You stated that AmerGen has 17 plants that you're operating. Has any of them gone through the decommissioning process?

MR. LEVIS: We have four units that -- safe-store state currently.

ASSEMBLYMAN GUSCIORA: And I guess it would be the next five years, until 2009-- Would you need more employees or less employees during that decommissioning process?

MR. LEVIS: Significantly less.

ASSEMBLYMAN GUSCIORA: Okay.

Thank you.

ASSEMBLYMAN McKEON: Thank you, Reed.

Lou.

ASSEMBLYMAN MANZO: I just have a few short questions.

I first want to thank you all for coming here and offering this Committee some insight.

Number one, a lot of your testimony dealt with how critical the plant is to the state and region power supply. How do you respond to the BPU's viewpoint that the loss of energy from the plant could be offset by the natural gas plants that are going to come online by 2009? And, also, the fact that you do only supply 1 percent, I believe, to the regional grid?

MR. LEVIS: The 1 percent is if you look at the grid in total. But, in fact, if you look at the siting of Oyster Creek -- the various transmission constraints that exist -- that, in fact, that power can't go everywhere, because it gets constrained by the size and the amount of transmission lines.

ASSEMBLYMAN MANZO: And the second part, which was about the--

MR. LEVIS: Natural gas.

ASSEMBLYMAN MANZO: Yes.

MR. LEVIS: We believe that in 2009, there will still be a need for plants, as other plants are also retired in the system. There are also other older plants that other utilities own, too, that we expect to be retired.

ASSEMBLYMAN MANZO: Okay.

Let me jump over to another area. The Oyster Creek one is a Mark I boiling water reactor. And the NRC has prohibited further construction of those types of plants, with the same design, based upon their inherent shortcomings.

How can your plant meet modern safety standards?

MR. LEVIS: I will tell you that it meets modern safety standards right now, in that particular area. The Mark I containment had some design issues early in life. Those were corrected over 20 years ago. And, in fact, the modifications that we put in place have been reviewed by NRC, found acceptable. In the previous six plants that we've had their licenses renewed already, also have the Mark I containment design. And so that design is satisfactory and meets all regulatory requirements.

ASSEMBLYMAN MANZO: Just to follow up there, it said that mechanical and technical problems were, most likely, at the beginning and at the end of a plant's lifetime, as I understand. Doesn't this mean that your plant would be at a greater risk of an accident, should it be given another 20 years?

MR. LEVIS: There are-- We continuously do maintenance, inspection, and surveillance activities at our stations, ensuring that the components are capable of performing their function. The 40-year lifetime that was established by these plants was, basically, based on accounting, amortization principles for utilities and large capital investments. And, in fact, when the Atomic Energy Act was written, in 1954, it allowed for license renewal.

ASSEMBLYMAN MANZO: I know that. But am I correct in saying that the greatest risk does come at the end of a plant and at the start-up of a plant's lifetime?

MR. LEVIS: Not necessarily. I think it's how well the plant is maintained in that interim.

ASSEMBLYMAN MANZO: And a final question: What's the amount of nuclear waste that your plant creates?

MR. LEVIS: I'm not sure of the numbers. I will tell you, from a liquid release standpoint, it's zero, because we discharge zero liquid release to the environment. But as far as how much dry active waste that we would send off and have buried in a year -- I'm not certain what those numbers are.

ASSEMBLYMAN MANZO: Well, my follow-up to that would have been -- how, where is it stored, and what's your future plans for it?

MR. LEVIS: From a fuel standpoint, it's stored, currently, on site in an independent spent fuel storage installation. And the plans would be, when

Yucca Mountain is available, we would transport the fuel from Oyster Creek to Yucca Mountain.

ASSEMBLYMAN MANZO: Thank you, Mr. Chair.

ASSEMBLYMAN McKEON: I'm going to ask a couple of questions, and then I'll give -- just because these are the witnesses that -- might only ask questions.

Just a couple of things. I want to follow up on Assemblyman Manzo.

I think the number -- at least that I've read -- was if the facility is relicensed, it would produce another 1.4 -- I think the number is -- million pounds of waste to be disposed of. And I guess-- Yucca Mountain -- I understand that that's what the current Federal plan is. But isn't there limits on the amount that each facility could store there? And isn't the long-term question that a lot of that 1.4 million tons, in the future, is going to end up stranded in Ocean County, and in New Jersey? It's something that, maybe, if we're dealing with -- 20 years from now, we won't necessarily, sitting here, much have to deal with. But to look into the long-term distant future -- what are we going to be leaving for the next generation?

MR. SWENSON: The fuel, as it's stored right now -- most of it is in the fuel pool, itself. And there is some fuel that's in a drycast storage. The drycast storage is a sealed containment, evacuated with helium. And it is sitting in a concrete structure, and can sit that way. The equivalent heat that comes off of that is about the equivalent of about three hair dryers. There are no moving parts. There is nothing that is mechanically involved in that, at all. The only

limitation to being able to store fuel in modules like that is the space to put it in. And that can be expanded on an as-needed basis.

The modules are designed, themselves, so that when Yucca Mountain does become available, those modules can be shipped, as is, in shipping containers to that facility.

ASSEMBLYMAN McKEON: Is it true -- and I'm not certain. I'm not asking a question I know the answer to. But isn't it true that there's going to be some limitation on Yucca Mountain, even if it goes forward on schedule? I mean, the future -- the 1.4 million pounds to be produced in the next 20 years, beyond 2009-- There's no guarantee that that can be sent to Nevada, but rather-- As benign as you say, a lot of it will remain here in New Jersey.

MR. SWENSON: Each of the plants have a specific schedule as to when and how much fuel would be transported to Yucca Mountain. Yucca Mountain does have the capability to be expanded.

ASSEMBLYMAN McKEON: But that would have to be a decision by Congress, to expand beyond what its current capacity is.

MR. SWENSON: That's correct.

ASSEMBLYMAN McKEON: All right.

The other two environmental questions I had was -- one relative to the radioactive iodine air emissions. It was my understanding that, relative to the boiling water reactors that we -- you have the highest amount anywhere in the country.

MR. LEVIS: I believe that was for one particular year -- in 2001, if I recall correctly. And to put that in perspective, the amount that was released was one one-thousandth of the regulatory requirements. And from a dose

perspective, if you stood at the site boundary for one year, you'd get a .009 millirem, which is equivalent to what you get standing next to a smoke detector.

ASSEMBLYMAN McKEON: May I ask you another question, while I have you on that?

On the strontium 90 that's been detected-- I know there are some teeth studies, relative to children in Ocean County, and detection in their teeth. And we know the effect on marine life. Is that something that, as you're going to suggest with the other -- as you suggested with the airborne contaminant -- that is relatively benign, or the same?

MR. LEVIS: The issue with strontium 90 has been discussed for over 30 years. And I would say there have been several scientific bodies that basically found no link to that and some claims of cancer, and that sort of thing.

We monitor for strontium 90, like we do other things. And the amount that we discharge is minimally detectable. In fact, in the soil analysis that we do, it's not detectable. So it's something we monitor for. And with respect to the other study that you're referring to, we don't believe that the statements are based on sound science. And there have been several -- like the National Institute of Health and the American Cancer Society -- that have said the same.

ASSEMBLYMAN McKEON: I mean, I'm far from an environmental scientist, but I would appreciate if you could reference, through staff, some of the studies which you might rely upon, so we can have an opportunity to review those independently and come to some conclusions.

MR. LEVIS: Yes, sir, Mr. Chairman. We'll do that.

ASSEMBLYMAN McKEON: Thank you.

If there are one or two follow-ups, we'll do that. But I want us to keep on schedule.

Mike, you said you had some--

ASSEMBLYMAN PANTER: Yes, I just had a very brief follow-up, because I just want to make sure I understood a few of the answers that were given to some of the questions which were asked.

One is very simple. When you were talking about the power generation that Oyster Creek produces-- New Jersey draws from a regional grid. I'm trying to think of the right way to put this. Oyster Creek contributes about 1 percent of the total power that feeds into that grid. I guess that's my first question.

MR. LEVIS: If you looked at the total grid capability, it would be 1 percent. If you look at what can practically get to and from Oyster Creek, it's 9 percent.

ASSEMBLYMAN PANTER: So, in other words, if Oyster Creek were supplying just -- if its energy was feeding just into New Jersey, rather than into a regional grid from which we draw, it would be equivalent to about 9 percent of our state's total power consumption? Is that correct?

MR. LEVIS: I believe that's correct, yes.

ASSEMBLYMAN PANTER: Okay.

The only other question I had is-- I know you made a few references to the emissions from the nuclear waste that is in storage, and how it's -- in your opinion, it's relatively innocuous. It's the same as being in front of

many household items, whether it's blow driers or smoke detectors, whatever the case might be.

I guess my two questions are-- I think less about emissions from that nuclear waste being stored, and more about what would happen -- how secure that waste is, and what would happen in the event that there were some kind of leak, as has happened in various parts of the world. There are 150 tons of that waste at Oyster Creek currently. Is that accurate?

MR. LEVIS: I don't know what the weight is. I know in terms of fuel assemblies.

ASSEMBLYMAN PANTER: Okay. I'm using the wrong standard, perhaps.

The last thing I wanted to ask -- and I know that Bob and I were chatting about this as you were answering someone else's question. This is stored either in casks or in pools. Are these pools -- are they above ground? And if so, is that normal, so to speak, for the industry, or is it a mix of having them below ground, in storage sites, and above?

MR. LEVIS: The pool is above ground, and it's normal for this reactor type.

ASSEMBLYMAN PANTER: Okay.

Thank you.

ASSEMBLYMAN McKEON: Any other members with a follow-up?

Assemblyman Manzo, is that a yes? I can't hear you.

ASSEMBLYMAN MANZO: Yes, just on a different track.

Addressing some of the past fish kills that have been a result of the plant-- It said that a closed-loop cooling system would reduce fish kills. Is there any plans of the plant to construct such a type of a system and design?

MR. SWENSON: Studies were done years ago, when there was some movement towards producing or building another nuclear power plant -- the Forked River plant. That was discussed, at that point in time, as to whether or not a closed loop, or even cooling towers, should be used at that point in time.

As you may know, we use salt water as our cooling median (*sic*) for our condensers in the plant. And salt water, of course, when it condenses-- If it were to go up a cooling tower, that would now create other environmental problems. When those studies were complete, the best cooling that we have is the loop system that we have right now.

ASSEMBLYMAN MANZO: So there's nothing else in place to avoid these issues of fish kills in the future?

MR. SWENSON: There is. And, yes, we have had issues with a fish problem. And we learned from those issues. In fact, our recent procedure changes and operation of the plant have prevented any issue with any further environmental impact with regard to fish.

We, during our previous two shutdowns, planned outages, moved an outage because water temperatures would tend to stress the fish environment. We proactively took, at a very substantial cost to the company -- and moved the outage so that we could be more environmentally friendly to the fish, as well as when we shut the plant down at our recent refueling outage. We went to extra measures to make sure that -- since we had done studies, and some of

them were: tropical fish had decided to stay in the area and not swim south, as they would normally -- to give them an opportunity to work their way out. And as a result of a lot of effort, not only with plant personnel, but with State input, with environmental group input, and with local aquarium folks involved, we were able to do that without having any impact, zero impact, on the fish population.

We also have programs in place where we'll see some turtles and other sea creatures come into the plant and get up against some of the screen structures. Our operators are aware of those. They look for those. And they are trained to resuscitate any turtles that do come in. And we have programs to get those turtles back into the environment, unharmed. So we do take a lot of care with the environment, with regard to the intake and the discharge of the plant.

ASSEMBLYMAN MANZO: That's it, Mr. Chair.

ASSEMBLYMAN McKEON: Thank you very much. If you would like to stay, we'd love to have you. I don't know that we'll ask you any direct questions, but I'm sure you would also gain something from listening to what everybody else has to say, also.

I do appreciate you being here very, very much. Again, you didn't have to. And we thank you. And hopefully you'll be a part of any future process, as we go forward.

We appreciate it.

MR. LEVIS: Thank you.

MR. SWENSON: Thank you.

ASSEMBLYMAN McKEON: I'm going to call upon Mayor Joseph Scarpelli, our host.

And all of us thank you for your hospitality. (applause)

Mayor, you're the only one I can't limit to five minutes, because it's your town. (laughter)

**MAYOR JOSEPH C. SCARPELLI:** Oh, well.

No, I'm going to try to do -- play by the rules.

First of all, let me thank you and welcome you. And we hope the facilities are to your liking. We tried real hard to make sure this was the best it could be. You're always welcome to come back. Maybe you want to rent this room. We could use the money.

I just wanted to-- I have a few comments which I want to make. But before I do that, Mr. Chairman, I want to introduce some of the public officials who are here. Some of them will speak, some may not. First, let me introduce my colleague on the township council. He's in the back of the room. Councilman Greg Kavanagh is here. May I introduce to you Mayor Paul Brush, from Dover Township, who's here. I think he's also in the back, leaning against the wall.

ASSEMBLYMAN McKEON: We're going to call Mayor next, to testify, if he'd like to speak.

MAYOR SCARPELLI: Mayor Jason Varano is here, from Berkeley Township. Also, he has with him his council persons John Napurano, Pete Mustardo, and Bill Villane. And also -- I believe he will speak -- Dr. Fred Seeber, Councilman from Stafford Township, is here. So I thought-- I hope I didn't miss any public officials who may have come in a little late. But those are here.

Let me just say this, Mr. Chairman and members of the commission. By you being here this evening, you have shown that this has become a regional issue. For so long, myself and a lot of people in the audience have been, kind of, talking about how this issue affects all of New Jersey, not only Ocean County. And by you being here, you've proved that.

This is not a 10-mile radius issue, this is not a 50-mile radius issue. This is an issue which affects, perhaps more closely, Monmouth and Ocean counties, and their millions of people; but more than that, it affects the entire Jersey Shore and the entire State of New Jersey.

And in that vein, let me just say that an accident or a problem at this site would be disastrous to the economy of this entire state.

Let me list for you, Mr. Chairman, some of the officials who have come out in opposition -- in some way or another in opposition to this plant. First of all, on a Federal level, Congressman Frank Pallone, Congressman Chris Smith, and Congressman Jim Saxton. Our Ocean County Board of Freeholders have come out against this plant. Also the -- and your colleagues in the Assembly -- the 9th, the 10th, and the 30th district -- Senator Len Connors, Senator Andy Ciesla, and Senator Bob Singer, including all of their Assemblymen, have come out against this. And I'm speaking from a mayor's point of view. Twenty-one mayors -- representing probably 85 to 90 percent of the population of Ocean County -- 21 mayors, and their council staff, have come out against this plant.

So that's the magnitude of the opposition to the relicensing of this plant in 2009.

You're going to be hearing tonight from some professionals, some citizens' groups, and environmental groups who will address the points made to you very eloquently by Exelon.

But my comments this evening, Mr. Chairman and members of this Committee, are going to be talking about what I see as the future of this site and, most importantly -- and I think some of you already talked about it -- is the workers there. Because I've been accused of being anti-worker, anti-family, and anti-labor. And that's the furthest from the truth. Because I know what it means for those men and women to get up in the morning, get to the plant, do their job, leave, go back to their families in the evening.

I believe that this present site is a stagnant site. If they should be relicensed to 2029, what happens after that? There is no future here. Are they coming back and asking for another 20 years? Are we talking about 2049? God knows I won't be here, but some of your--

Your nephews will be here, Mr. Chairman.

The site, as I see it, is a stagnant site. And what happens after 2029? That's why this site must be converted to some new technology -- a source of renewable energy. That will guarantee a future that is on the cutting edge.

This site, Mr. Chairman, in little old Ocean County, could be a site leader in renewable energy for generations and generations to come, long after I'm gone.

So I believe that this site has everything to offer. And I believe the changeover to a renewable source is not as difficult as you may hear. I believe -- I really believe -- and you can do some due diligence -- that this -- their

infrastructure is there, the utilities are there, the power lines are there, the acreage is there. And I believe, when that plant was built in 1969, the developers at that site -- I don't even know who it was then -- laid out an infrastructure for five more plants. They were never built because of Three Mile Island. So it's there, and it's there, and I think it should be used. I sincerely believe that no one will lose their job if this license is not renewed.

Lacey Township taxpayers won't lose, because you know that \$11 million trust fund is there in perpetuity. And the workers won't lose out.

Let's talk about, a little bit -- you may hear this later on -- about decommissioning and jobs. You remember, Exelon--

You asked the question, Assemblyman Manzo, about the -- reducing the workforce. They reduced the workforce. I think, in a decommissioning process, and I think in the future that, in fact, the workers in that site can be increased. I believe it can take up to 10 years for decommissioning. And I believe, during that process, no one will lose their jobs. And I am very, very concerned -- and I want to make that very clear -- about the workers that are there now.

I think -- I really think that if there is an accident at this plant, or a terrorism attack, the first people that are going to suffer the most are those workers. And I'm very, very concerned. They would be the first casualties. And I care about them.

I believe-- And that's why this is so important that you're here tonight. I believe that it's our responsibility as elected officials, both on the State and the local level, to ensure that these workers are employed during

decommissioning. I believe that the New Jersey Department of Labor will take an active role in this process. And I know that you will see that they do that.

I believe that WEC, the Work Environmental Council -- made up of environmental groups, union and labor representatives, and scientists, and community groups -- would play a key role.

And, finally, I just want to point out to you -- because I think that's very, very important-- No one is going to let these workers down. There's a thing called *just compensation*. No one is going to throw these workers out in the street and let their families suffer. There's a place there for them, and I think there's a place there for more than 450. But that's an economic decision that Exelon has made.

Let me finally say this-- I want to talk a little bit about jobs and job growth. There was a recent study issued -- and you might have seen that -- a recent report. And it wasn't put out just by environmental groups. It was put out by the United Steel Workers, the Service Employees International Union, the Union of Concerned Scientists; and the National Resources Defense Council, the New Jersey Environmental Council, and the Sierra Club. It said that projects over the next 20 years -- renewable energy projects using renewable energy, state-of-the-art technology will bring 50,000 new jobs to New Jersey, reduce dependency on foreign oil, and save consumers -- that's you and I -- at least \$1,000 per year on energy bills by 2025.

And so I think it's really clear -- at least it's clear to me -- that the future benefits of clean, renewable, and safe energy sources -- it's limitless. It knows no end. And it's more than just a request for a 20-year license extension renewal. I think that's a dead end. The future is now. The real progress, what's

most important, is that we adopt a renewal energy source at that site. (applause) And this renewable source is smart. It's a Smart Energy policy that can boost job growth, save money for consumers, and strengthen national security.

And let me just end with this -- which I just found out tonight. And you see how you learn things if you listen? And I think it's public knowledge, but maybe it's not. There is-- And maybe one of the commissioners may ask -- Assemblymen may ask a question of Exelon about this.

There was a decommissioning fund of \$430 million somewhere. I don't know where it is, but it's somewhere. And it's estimated that the cost of decommissioning this plant will be about \$330 million. Perhaps the difference -- and I don't know who decides what happens with that \$110 million -- could be used for many useful purposes, like retraining workers, like just compensation. And I think that the State should make sure that Exelon does the right thing and uses that money where it benefits the most.

Mr. Chairman, again, thank you for coming to Brick Township. We're very happy you're here. God bless you. (applause)

ASSEMBLYMAN McKEON: Thank you very much, Mayor.

We're going to call upon Mayor Brush.

All right, now the five-minute rule does start for real.

**MAYOR PAUL C. BRUSH:** That's fine. That's fine with me, gentlemen.

Thank you very much. Thanks for coming down here tonight.

I'm speaking on behalf of -- as the Mayor of Dover Township, which for you out-of-town folks is Toms River, New Jersey. And we are a

population of about 95,000. We're about -- the southern end of town is right on, about, the 10-mile radius circle. And I'm here speaking in opposition to the extension of the license.

As Mayor Scarpelli said, our town, among many others, did pass resolutions opposing the extension of the license. I think that the concern-- I'm speaking for myself, because I don't want to misrepresent anything that may have been in the Council's resolution. But the resolution was forwarded to the Assembly, our Assembly legislative representatives.

But I think the age of the plant is the primary concern. This plant has been with us in Ocean County for some 40 years now, or so. It's been a neighbor of ours. I've fished off of Oyster Creek, in Barnegat Bay, when our kids were young, and so on. And the plant was always there, and it was rather benign, and rather harmless, and so on.

The extension of this license for another 20 years -- beyond another five years with this -- and the events of September 11, I believe, have changed all of that. I believe this plant is the oldest plant in the country. And I think the concern that we have -- as being so close to the plant, being a close neighbor -- is the age of the plant, and looking forward for another generation.

By the way, Mayor Varano, Mayor Scarpelli had to go to a planning board meeting. He had to leave. He asked me to inform the Assembly members that he shares the same concerns that we do in Dover Township, here.

I'm concerned about the potential evacuation problems. As I said, we're only on the fringe of the 10-mile radius, 10-mile circle. And I'd be very concerned about whatever evacuation would have to take place in the event of a catastrophic emergency. And I, frankly, think it's the age of the plant and the

possibilities of catastrophic emergencies that concern us more than anything else.

I agree with Mayor Scarpelli, about the decommissioning. I think that the residents of Lacey Township are entitled to fair compensation. They should-- If the plant, in fact, is not extended, the residents of Lacey Township -- which this is a major, major part of their economy there -- and they need to be compensated, as do the workers.

Fifteen years ago, when I happened to serve on the township committee in Dover, we discovered we had the largest Superfund site in the State of New Jersey, at the Ciba-Geigy plant. And we had just discovered, a couple of years earlier when their pipeline broke, that we had major, major problems there at the site. And the company announced plans -- since they were forced to close the pipeline, close down the dye and resin plant -- they announced plans they intended to come to the township and build a pharmaceutical plant.

The toughest decision I ever had to make as a public official was introducing a resolution and rezoning that plant, and effectively closing down their plant. And that night, there were 300 workers in town hall, many of whom were friends, associates, political associates and so on, of mine. It was a very, very difficult decision. I would never want to have to do that again. I would want -- that if this license is not renewed, I would want to -- I would want the State to make sure that the workers, the employees, the residents of the town, and everyone who is affected, is fairly compensated and taken care of.

Saying all of that, I urge the State to urge the Nuclear Regulatory Commission, on our behalf, to oppose the extension of this license.

I thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, Mayor.

As promised, there are three representatives of the various labor unions, some of the locals, that are here. I'm going to call upon Mr. Earp to lead us off. Do I see Mr. Earp here?

And I want to thank the labor officials up front. When our jobs are threatened, it obviously becomes a very emotional issue. And if the labor union so chose, they could have packed this room with hundreds of people tonight, and family members, and been disruptive -- and not led to, overall, what I think is going to be a positive process. So I thank you for being a very respectful part of the process. And we very much respect and understand how important this is to anybody that works in that plant.

So thanks, Mr. Earp.

**W Y A T T E A R P:** Thank you, Chairman.

Before I start my remarks, let me just -- a couple brief things. One is -- and you heard referenced several elected officials who have come out "against" the nuclear power plant when, in fact, quite a few of them that I've spoken with -- including some on this commission -- stated to me that they had concerns, and wanted to be-- And their concerns -- and the elected officials that actually passed resolutions -- had concerns that the plant met relicensing requirements and would be safe. And if it was not safe, then they were opposed to the plant. So it was not several of those elected officials-- And I'd urge you to read, carefully, any documents or any resolutions that come to you for the language at the end, or the language at the beginning that would preface that -- that says, if the plant is proven safe, they would be in support of relicensing.

And if it's not proven safe -- which I also would not be in favor of relicensing if it wasn't.

A couple other questions from some of my experience down at the plant, and just walking around-- Somebody asked about the training and the weapons. They actually carry -- or have the ability -- and different types of weapons that they carry, including automatic weapons. So that's pretty significant.

The other point I wanted to make-- The 1.4 million pounds, which is 700 tons -- but if we look at fossil burning generation, which is, right now, the only viable-- For the amount of capacity that we have at that point, fossil burning generation is actually in excess of that. And greenhouse gases, each and every year, are more than 700 tons.

The other thing-- We heard talk about the 9 percent, or the 20 percent, or the 1 percent. Just keep in mind -- and it might not be this commission -- but if we use the 1 percent figure, we have to have the hearings on the high-tension lines that will be coming through, in and out of Monmouth and Ocean counties, also. Because what they were telling you is, you can't run an extension cord from your house to Berkeley Township from here. It just won't work. It doesn't work. Power lines only will carry so much, just like water pipes will only carry so much, storm sewer drainage only carries so much. The same thing works for the electrical infrastructure. So I didn't want to miss that.

I appreciate Mayor Scarpelli's remarks on the jobs -- with the no lost jobs. And I know the Mayor of Dover Township also sited that. Unfortunately, he pointed to Ciba, which was a serious loss of jobs. Those

people never recovered. They did not make the same amount of pay, and never did. And there was all those same efforts and promises at that time, because I was involved when they decided not to build the pharmaceutical facility in Dover Township. And I am the first to say that what Ciba did with the chemical plant was reprehensible, and it wasn't acceptable. But then, the reaction not to build a pharmaceutical plant on that site -- which they deserve to be punished -- but those workers got punished, and they did nothing wrong.

You'll hear -- and I heard also -- the renewable energy-- And I read something in the paper about -- and I think it was eight -- or putting windmills on the site. And in reality, in the area of 2,000 windmills would need to be built to replace that power. And, in fact, the thought that comes to my mind with windmills is, in August, when it's hot, when we really need our air conditioning, the wind isn't blowing anyway. So I don't know what we're going to do about that.

And then, the other comment was -- or the other factor -- misunderstanding-- A company that's going to go out of business, that's going to close shop and leave -- I would love to hear that they're going to hire more people, but they don't. That's just reality. When they decide they're closing the plant, I don't see them investing a lot of money to do that.

Anyway, let me get to my prepared remarks.

Again, Chairman McKeon, thank you very much -- and Committee members and dignitaries. As I was introduced, my name is Wyatt Earp. I'm the President of the Monmouth and Ocean counties AFL-CIO, and we have 70,000 members in Monmouth and Ocean counties.

I'm joining with those today in support of Oyster Creek, to compete for its relicensing. And when I say compete, it's because it's a highly stringent guidelines the Nuclear Regulatory Commission puts on relicensing. The heated rhetoric in the newspaper and some of what we'll hear from people tonight can be troubling.

Closing the plant purely on political ideals is cynical, and it's not an economically viable-- It's also environmentally shortsighted. The science behind nuclear power is there, and I think, hopefully, we'll hear more about that.

But I'm here to testify and focus my remarks on job losses in Oyster Creek, and the fact that job losses throughout the State of New Jersey and the country--

Now, you've heard talked about Oyster Creek employees -- almost 500 union members. They're represented by Local 1289 -- who -- President Ed Stroup is here with us this evening. Additionally, there's hundreds and hundreds more tradespeople that are employed by this facility on a rotating basis. When you hear about these outages, they hire hundreds of people to come in, put new equipment in, new facilities in, and do upgrades and turnarounds. And there's hundreds of security personnel that are there, daily, guarding the facility.

As you know, we talked about the 10 percent or 20 percent of the homes and businesses in Ocean County that are supplied by Oyster Creek. They've demonstrated themselves to be clean, safe, and reliable. They've met and exceeded the Federal standards established by the Nuclear Regulatory Commission.

It's interesting that we're talking about delicensing a facility that's never had an accident, that's met the Federal criteria for safety, that's provided the jobs and the economic benefits to the citizens of Ocean County and the entire State of New Jersey's economy. They've constantly demonstrated their willingness to spend millions and millions of dollars to upgrade the facility and hire the people who live right here in Ocean County. Most recently, they spent -- and I had \$10 million in my notes -- it was \$20 million that you heard said today -- \$20 million, in light of the safety and security issues following the attack of September 11.

They test their site. They have people who try and break in -- not people like me, but people that are Navy SEALs and security specialists, who would love to prove that they can break into that place, and they have never succeeded. There's no evidence, whatsoever, that would lead anyone with an open mind to believe, with the information in front of us, that closure of this facility is appropriate at all. In fact, the closure hype seems to be based solely on the fact the facility was first licensed in 1969. Perhaps we should retire politicians or leaders who were born after 1969, since their effective political life span could not exceed their 35th birthday. I mean, that's what we're actually saying here.

It would make no sense--

ASSEMBLYMAN McKEON: All right, that's not productive now, sir. (laughter)

But you are down to a couple minutes, Wyatt. Please.

MR. EARP: I'm almost done.

It makes no sense, and neither does it make sense to rush judgement on relicensing Oyster Creek. Instead, I'm asking that we should wait for the NRC to do their job. When their task is complete, we should evaluate the results and then make an informed decision. In the meantime, we shouldn't tell hardworking men and women that their middle class jobs and the financial security of their families is threatened.

I can personally attest to the fact that the working men and women here in Ocean County are deeply disturbed and concerned by the current state of rhetoric over Oyster Creek, and they're not happy. I've heard from literally thousands -- thousands of members who have written to me, asking me to take a message to Governor Codey and Senator Corzine -- not necessarily that they both may go for the same job -- that the continuing assault on New Jersey middle class, and rushing to judge on Oyster Creek before the NRC makes their judgement, will not be tolerated or permitted. In fact, within the next week or two, along with Chip Gary (phonetic spelling), the President of the New Jersey IBEW, we will be delivering more than 10,000 individually written messages to Senator Corzine and Governor Codey, with a clear message from working families. Don't ignore the science, and don't expect -- for their agendas, if we cannot expect the support of our jobs.

Again, let me stress, we do not ask for the support in a vacuum, we do not ask for your support of our jobs at the expense of the environment and others. The science speaks for itself, and the legitimate process for relicensing is appropriately difficult and openly public. The true leadership decision is to allow the NRC process to move forward. The NRC is designed not to allow a plant to operate because of political pressure, and not to shut one down because

of political pressure either. The issue is far too important to be subject to political whims or rhetoric.

The same working men and women who are consumers of electricity throughout this state are deeply concerned about the legacy they leave for their children. These are the same people who have chosen to live within the shadow of that plant. The people that are represented there, who are in charge of nuclear safety, live right in Lacey Township. These same people are also concerned about our dependence on foreign oil.

Thank you for your time and for listening to my comments.  
(applause)

ASSEMBLYMAN McKEON: Thank you very much, Mr. Earp.  
I'm going to call upon two other union representatives: Bud Thoman.

Is Bud here? (affirmative response)

Mr. Thoman, as you come up -- and this is for any witness -- just please, even though I'm mentioning you by name, just restate your name and your organization just for the record.

Thank you.

**B U D D Y T H O M A N:** Good evening, Mr. Chairman, members of the Committee, invited guests, fellow speakers, and my brothers and sisters from Local 1289, the local representing the workers at the Oyster Creek Generating Station, in Lacey Township.

I am Bud Thoman. I am the Business Agent for Local 94, in Hightstown, New Jersey. In my capacity, I have had the honor and privilege

of representing many of the workers at the Salem and Hope Creek Generating Stations.

For more than 25 years, I have been a proud member of the IBEW, which has 35,000 members throughout the State of New Jersey.

I have come here today, as a Brick Township resident, to support Ed Stroup and the members of 1289, and to voice the concern of my members and the members of the other 23 locals in the state.

The call to close Oyster Creek comes far too early for a plant that has invested millions of dollars in safety, security upgrades, training upgrades, and overall plant maintenance. Oyster Creek, like Salem and Hope Creek, operates under a license from the Federal NRC, the Nuclear Regulatory Commission. It is not licensed by the State of New Jersey, the county of Ocean, the township of Lacey, or the township of Brick.

This plant would not be open today, or be permitted to operate, if it did not meet the requirements of the NRC. It has met those requirements, and it deserves the right to compete for an operating license by submitting itself to the relicensing criteria. There are no guarantees. If the standards are not met, then the license will not be granted.

Like all employees, and all plants, Oyster Creek has not always been perfect. But don't confuse a lack of perfection with a lack of safety. When Oyster Creek has a shut down, or has taken the extra step to ensure that its maximum safety levels were maintained, that means the systems in place are working. We know when Oyster Creek even has a slight problem because they report it themselves, and then we read about it in the press. This does not mean that they are a bad facility or a bad plant. In fact, it means exactly the opposite.

Their self-reporting shows their commitment to the safety of the facility and to all of us in the surrounding areas.

It is time for all of us in New Jersey to step back from this issue and to allow the experts who are charged with the responsibility of licensing nuclear power plants to do their job. This is the appropriate way to address the relicensing issue. We in the states are not adequately trained or prepared to make these decisions. The decisions belong at the NRC, and that is where they should be.

Finally, let me make a personal pledge to all in this room. If there comes a time when Oyster Creek is deemed to be unsafe, then I will stand before you, as a member of the IBEW and as the business agent for Local 94, and join with anyone else who calls for the closure of this facility. But that has not happened. And unless or until it does, I urge everyone in this room, and everyone who looks at this issue, to make the sensible and intelligent decision to allow the NRC to do the job that we, the taxpayers, pay it to do.

I thank you for your time and the opportunity to speak. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Mr. Stroup. Ed Stroup.

I don't see Jeff Tittel, but I have him called next.

You're on deck, Jeff.

Mr. Stroup, sir, please. I need your name and your--

**EDWARD STROUP:** Yes.

ASSEMBLYMAN McKEON: Thank you.

MR. STROUP: Good evening, Chairman McKeon, members of the Committee, Mayor Scarpelli, and neighbors and friends.

My name is Ed Stroup. I am the President of IBEW Local 1289. We represent many of the nearly 500 employees working at the Oyster Creek Generating Station.

This evening I delivered to the Committee, earlier in the night, a request -- a request from the union workforce in New Jersey, a request for your help and support. I have a petition that's been signed by 15 local New Jersey unions who represent tens of thousands of members, members who live, work, and vote here.

System Council U3, who represent -- whose members work for Jersey Central Power and Light, as well as Local Union 94, whose members work for PSE&G; and 210 -- Local Union 210, Atlantic Electric Connective -- in conjunction with Local Unions 400, 351, 456, 269, 827, 614, 327, 1289, 1309, 1303, and 1298; and the New Jersey National Gas Union, 1820 state, via this petition, that "We, the undersigned, strongly support the life extension and continued operation of the Oyster Creek Nuclear Generating Station."

I come before this Committee today in support of this clean, safe, and reliable plant. I also want to voice my opposition to those that would seek to close this plant, thereby eliminating hundreds of high-quality jobs and putting New Jersey's electric supply at risk.

Indeed, I am deeply troubled by the fact that the issue of the relicensing has become a political game for many in the room. The fact that this meeting is being held in Brick Township, at the urging of Brick Township Mayor Joseph Scarpelli, is evidence of the fact that the licensing of this plant has been illegitimately taken from the appropriate venue of the Nuclear Regulatory Commission, and is now being used as a political football by Mayor Scarpelli

and others to either deflect attention away from their own political shortcomings or to gain political clout for their own self-serving political aspirations.

ASSEMBLYMAN McKEON: Everyone, please. He has a right to express his opinion. And I'm going to ask everybody to conduct themselves as we have thus far, as respectful individuals.

MR. STROUP: Thank you.

This is wrong, and they need to be called on their actions.

There are many others here today that will testify about the specifics on the plant: it's safety record; the quality of the personnel that work there; and the many millions of dollars invested by management in safety and security upgrades; the contribution of the facility and its team to the community, particularly on the economic side; and the need for the facility to be permitted to compete for its relicensing through the extremely rigorous and difficult process established by the NRC.

So instead, I would like to direct my comments to the host Mayor of tonight's meeting, Joseph Scarpelli, who has decided it is his business and his mandate to attempt to destroy the livelihoods of hundreds of working men and women, and close a plant that produces nearly 10 percent of New Jersey's electricity, and 20 percent of the electricity used by Jersey Central Power and Light, the electrical energy provider for the vast majority of this region.

It is clear that Mayor Scarpelli has an agenda. What is less clear is that--

ASSEMBLYMAN GUSCIORA: Mr. Chair, is this really on the--

ASSEMBLYMAN McKEON: I know you have a right to give an opinion, sir, but this was my choice to come here. It wasn't at Mayor Scarpelli's

chiding. He actually was accommodating to me. And what your opinions are about him, you can express, and you have that right as an American. But we're here to gather information to, hopefully, express our opinion as Americans.

So, we appreciate you giving us any information. (applause)

And you have one minute.

MR. STROUP: Okay, thank you.

ASSEMBLYMAN McKEON: You're down to one minute.

Thank you.

MR. STROUP: In that case, let me close by saying that I also want to challenge some of Mayor Scarpelli's other--

ASSEMBLYMAN GUSCIORA: Mr. Chair, I'm here to gather information about Oyster Creek.

ASSEMBLYMAN McKEON: He's got a minute. Let him finish, please.

MR. STROUP: I'm going to do that.

Thank you for your indulgence.

--other assertions, in particular, his belief that Oyster Creek could shut down with no effect on the long-term electrical supply of this state. Perhaps we should ask Mr. Scarpelli to volunteer to shut down the electric supply to Brick Township first, in the event there is a call to curtail usage or shed load anywhere within the PJM.

We need this plant. And I'm asking for your consideration in that regard.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: We're going to call upon Jeff Tittel, of the Sierra Club.

As we go forward, we'll try to-- People have marked their notes to us either for or against. So we'll try to just go in reverse order.

**J E F F T I T T E L:** Thank you.

Jeff Tittel, Director of the New Jersey Sierra Club.

But I'm also here not just representing our 23,000 members, but our over 750,000 members nationwide. Because the Sierra Club strongly believes that nuclear power plants that are more than 30 years old should be phased out around the country.

And the reason is quite simple: At the time they were designed, they were not designed to last more than 30 years. But more importantly, it's the type of technology that was popular at a time when we thought that engineering could solve all our problems no matter what, that it was at a time when we thought spraying DDT in school yards was good to keep down the mosquitos so the kids can play, when we thought that thalidomide was a drug that could actually help women when they were pregnant, and at a time when we still believed in having segregated lunch counters, and that urban renewal was the wave of the future.

And the reason I throw those issues out there is because we have to think of the future and where we're going. Nuclear power is not only not a clean and efficient form of energy, it's a very expensive way to boil water. And if it wasn't for billions of dollars in subsidies, it would not be cost effective, and you have to look at it that way. If it wasn't for an energy deregulation bill that threw \$9 billion of stranded assets onto the backs of the New Jersey utility

payers, these plants would not even be cost effective and would have been closed down because you couldn't operate them. It's because the rate base of the State of New Jersey is subsidizing them, that they're around.

When you look at just the mining and milling of uranium-- Everywhere in the country where there are uranium mines, we have Superfund sites, and toxic leachate going out all throughout New Mexico where there's more than 20 Superfund sites that are related to uranium mining. There's also energy that's used in it.

In fact, one of the biggest battles in New Jersey -- and I have to thank the members here for their work on protecting the Highlands -- is that 25 years ago, we had a major battle to stop uranium mining in the Highlands where there's high-grade ore. And one of the places they wanted to do the mining was right at the headwaters of both the Wanaque and Pequannock watersheds. And, quite frankly, that uranium is still there. And now the Highlands Act would protect that.

If we keep expanding nuclear power and going forward with it, we're going to be looking for new sources of uranium. And the uranium in the Highlands, and Ringwood, and West Milford is actually of a higher grade than is currently being mined in New Mexico. And the Highlands Act actually will prevent that. So I have to thank you for that.

But I also want to talk about the future. We're at a time where we have a great potential for a clean and brighter tomorrow, through renewable energy and conservation. There's an energy efficiency bill up on Monday that, if it's passed, will actually save enough energy that you could close Oyster Creek

just on that one piece of legislation, by buying more efficient products in the State of New Jersey.

And I want to disagree with my good friend Wyatt Earp. The new generation windmills -- the new GE generation that each generate 3.5 megawatts per day -- 175 windmills could replace Oyster Creek.

When you look at solar power, and the potential that a state like New Jersey has -- with the average new house coming in line, generating five kilowatts -- that if 25 percent of the new houses that will be built in New Jersey over the next 20 years were solar, we could eliminate Oyster Creek. And that doesn't include people -- when they're fixing their houses or looking at the discounts that are out there, that pay three-quarters of the cost of solar power -- fitting them on their homes.

So we really are at a time, between energy efficiency, renewable energy, that we can move forward. We do not need the technologies of the past. We need to look to the future for a cleaner and brighter tomorrow. And closing Oyster Creek will do that, not only because of the potential in the fastest growing county in the State of New Jersey -- of a potential for an accident in an area that you cannot get out of -- when -- at normal times, let alone if there's an accident -- at a time when we have to worry about potential terrorist threats.

I happen to think that a renewal of the nuclear license for Oyster Creek could be a license to kill if there's an accident. And I think that it should not be renewed.

We also need to look at the other environmental impacts on the bay from the superheated water. That raises algae levels, which deprives the bay of oxygen. And Barnegat Bay has been dropping in oxygen. It's actually

creating serious problems. There's a whole range of things that other people can talk about later and after me. I want to be brief and try to keep to my three minutes.

But a long time ago, there was a saying -- when I was a kid -- it said, "Better active today than radioactive tomorrow." And I think Oyster Creek should be closed and that you should look to do a resolution.

Just, finally, I want to just say that -- to -- for Mayor Scarpelli -- that he has been one of the most thoughtful and proactive mayors in the State of New Jersey, who has worked diligently for -- (applause) -- for not only the people in his own community, but for the rest of us in the state. And we should be proud to have such a mayor like him. In fact, I think he's almost equal to the mayor of West Orange. (laughter)

ASSEMBLYMAN McKEON: Thanks, Jeff.

Jeff, thank you for coming down here.

And, hopefully, as much as we might all want to express our opinions about my good friend Mayor Scarpelli, on a going-forward basis, let's all try to, pro or against, talk about what information you could provide to this Committee. And I would appreciate that very, very much.

We're going to call on David Chernesky, a Stafford resident.

And Dr. Fred Seeber's on deck. If you could get ready.

**DAVID CHERNESKY:** Good evening, Mr. Chairman.

My name is Dave Chernesky.

Thank you for having me.

I am a Stafford resident. I've been there since 1991. I was born and raised in Sussex County, New Jersey. So I've been a resident of Jersey since way back when. I used to milk cows back then. So I know the dairy farm.

I went into nuclear power and submarines. I represented our country. I learned about nuclear power then, and went forward. And I've lived with nuclear power since then.

One of the big things for me is, I wouldn't have my family anywhere near nuclear power if I didn't think it was safe.

I have two jobs at the plant. I'm the maintenance manager there. So I make sure the equipment gets fixed the right way. I'm very proud of the workers that work for me, that fix the equipment. But I have a second job, and that's to protect my family and the public. When my beeper goes off, whether it be a training that's going on, or maybe a small issue we have, I have to tell my family, "I've got to go in right now. We have an issue that I have to go look into." It may be very minor. They understand it. And they understand that my job doesn't stop when I walk home and I go and sit down for dinner. It's all the time.

Everyone at that plant takes pride in their work, in making sure that we're safe. We're maintaining the plant online, because when it's online it is safest.

So I'm for keeping the plant running. And I thank you for your time.

ASSEMBLYMAN McKEON: Thank you for your testimony, very much. (applause)

Dr. Seeber.

And Wayne Romberg, you're going to be next, if you're out there.

**FRED SEEBER, Ph.D.:** Good evening, and thank you for coming.

Dave, who just spoke, is an excellent resident of Stafford Township, and an excellent, excellent engineer.

I have given testimony, previously, before many of the committees that are examining Oyster Creek, as a scientist. But today, I come to you as a Councilman. And let me preface my statements by simply saying to the workers, my father was a union representative for Western Electric for 35 years. So whatever happens to Oyster Creek, absolutely -- as reflected by Mayor Scarpelli and Mayor Brush -- that I want to also go on record and say that these workers must be taken care of, whatever takes place -- if it's decommissioned or whatever.

But as a Councilman in Stafford Township -- and I don't know if many of you know where Stafford is. It is the gateway to Long Beach Island. And my concern is really in regards to evacuation, especially during the summertime, when we will have hundreds of thousands of people on LBI, and many, many people in Stafford, as well, beyond what is our normal population of about 23,000. That grows to about 250,000 in the summertime, as well. And what happens here is that, obviously, there's only one way for all these hundreds of thousands of people to get off Long Beach Island. And that is over the Causeway Bridge.

Now, in the event of an accident, depending on, obviously, the time it would take for radiation to reach that point -- and the people being aware of what takes -- what is happening-- You have to understand human nature. There are evacuation plans, but I will tell you that people are going to be in a

sense of panic, and they're going to come flying off L.B.I. It might be leaving their cars exactly where they are and running across that bridge trying to get west, or south, or north, depending on the direction of that wind.

We need to look at the equation and see how it balances. We have to look at the fact that there -- especially during the summertime, we have to deal with a large mass of residents, visitors on LBI. Is it worth it to risk the health of these individuals for what I have said before -- the age of that plant, as well as its contribution to the grid? I personally don't think the equation balances.

If you ever tried to get through Manahawkin or get to L.B.I. during the summertime on a Saturday morning, you'll know that it takes hours to reach Ship Bottom from the Garden State Parkway. Just think about everybody, now, going the other way.

Plans are wonderful. I'm not a psychologist, I'm a physicist. But I will tell you, the psychology of these plans break down.

I just would like to make a little analogy about what just took place along the Delaware. All of the people along the Delaware, for the last 20 years, and all the towns on the New Jersey side and the Pennsylvania side, have been trying to protect the environment. They've been cleaning up the creeks, they've been taking trash out of the waters. What takes place is this tremendous leak. Unfortunately, all those plans now are for naught for all intents and purposes, with that pollution that has been created. And I want you to think about that in regards to a nuclear accident, a nuclear event at Oyster Creek.

All the evacuation plans -- whether they be State Police, whether they be Stafford Township, whether they be the plans on LBI -- those plans have

not been tested. When a hurricane comes, we have days to get people off that island. We have days to prepare for this. We're going to have hours, possibly, or minutes, possibly -- depending on exactly which way this radiation is moving -- to get these plans into operation.

We, fortunately, have not had to deal with that in the past, but we very well might have to deal with it in the future. So I would ask the Assembly to seriously consider what we need to do, in regards to this plant, and to think about the fact of moving, especially in the summertime, hundreds of thousands of people through very narrow passages.

Thank you.

ASSEMBLYMAN McKEON: Dr. Councilman, thank you very much. We appreciate it. (applause)

Mr. Romberg.

And Peggi Sturmfels, of New Jersey Environmental, is next.

**WAYNE ROMBERG:** Good evening.

Thank you.

My name is Wayne Romberg. I live in the Channels Point area of Forked River. That's about a mile from the plant.

Like Mr. Chernesky, I grew up on a dairy farm, but it wasn't in New Jersey. I did serve in the Navy like he did, and serve my country. I learned about nuclear power there and, also, I've got an advanced degree in nuclear engineering. I've been in this business for about 35 years, so I suspect I can't be trusted. My wife always tells me that.

Big picture: I live close to the plant. I had a choice when I came here, where I wanted to live. I chose to live there, because it's a nice area.

We're a tight-knit community, and we talk about the plant a lot, because we can see it from our street. And, again, overwhelmingly, the folks in my neighborhood, close to the plant, support the continued operation -- the safe and reliable facility.

And I just want to leave that thought.

Thank you. (applause)

ASSEMBLYMAN McKEON: We appreciate that.

Peggi.

And Roger Gayley, of Brick, will be next.

**PEGGI STURMFELS:** Thank you very much, Chairman and the rest of the Committee, for coming to my hometown of Ocean County.

I've lived in Ocean County for the past 28 years.

ASSEMBLYMAN McKEON: You can adjust that microphone down.

MS. STURMFELS: Okay. Then I don't have to stand on my tippy toes.

Thanks.

ASSEMBLYMAN McKEON: I do a lot of that myself.

MS. STURMFELS: I also live in this very small world.

But I've lived in Ocean County for the past 28 years. My husband and I moved our small children there after I grew up in Monmouth County.

I am also the Program Organizer for the New Jersey Environmental Federation. And my personal feelings of Oyster Creek are not really in conflict with what the New Jersey Environmental Federation feels.

But on a personal note, I live about a mile and a half away from where the 10 miles are for the pills. I live four miles from the Bomark missile site. I live right where all the planes fly over, from bombing practices, for three of the -- as do all of us experience this, in Ocean County. So this is a very unique place to live. And in the aftermath of 9/11, I think all of us also bring to the table a threatened -- a heightened feel of threat, which we can't dismiss.

So I do thank you for the opportunity to comment today.

NJEF strongly believes that, given all of the safety and environmental concerns that you will hear tonight, this environmental Committee should recommend passage of a resolution from the New Jersey Assembly supporting the decommissioning of the Oyster Creek nuclear facility.

My personal opinions come from not just the Federation's, but also, after the summer, experiencing the hearings that went on, in terms of the evacuation. And Ocean County has grown so much, in leaps and bounds. And the population itself is not a population of sprawling towns, but very small, tight-knit communities of senior citizens, gated communities, over 52 -- active communities over 52-- But tens and tens of thousands of these community folks have come here after being in other places -- and have come here. And we're now burgeoning at the seams with an inadequate highway system, with an inadequate way of bringing a very vulnerable population to safety in case there's an attack.

We also believe that any resolution must call for the inclusion of a just transition for the workers at Oyster Creek, and that is paid for by AmerGen. The resolution should speak to the NJES's belief that, in the event of job loss or change due to the impact of an environmental or social need, that

workers should be held economically harmless -- i.e., they should receive full benefits and wages equivalent to the current wages, as well as be given a first right to be retrained in jobs necessary for closing the facility and facility cleanup at comparable wages, or provided retirement and severance packages in line with the expectations that these employees currently have.

Even if we make the decision to decommission the plant in the very near future, there will be a decade of work that has to be done to close and clean it up. Additional jobs will be needed to create -- and continue for many more years, to monitor any residual contamination from the nuclear waste.

We urge, again, that you pass this resolution, calling for the decommissioning of Oyster Creek, as soon as possible, as well as a just transition for the workers affected by the plant.

Thank you for your time, and thank you for coming to Ocean County.

ASSEMBLYMAN McKEON: Thank you very much. (applause)  
Mr. Gayley.

And Tim Dillingham, of the American Littoral Society, will be next.

**ROGER GAYLEY:** Good evening.

I appreciate the opportunity to speak to you gentlemen.

ASSEMBLYMAN McKEON: Thank you for being here.

MR. GAYLEY: And it's, indeed, an honor and privilege.

I come to you as a representative of a number of residents that I'm personally associated with. I have-- My mother and father live in Brick Township here. They live at Princeton Commons. My mother-in-law and

father-in-law live in Forked River, as do I, my wife, and my daughter. And I do work at the power plant, too.

I'm speaking for all of them, which is somewhat unusual. My wife allowed me to speak for her. (laughter) She basically told me, don't you dare go up there, because she knows I get passionate about the power plant.

I've worked there for a number of years. I've worked with AmerGen since '98. Actually, it was GPU back then.

But the bottom line is, the plant is the right thing for Lacey, it's the right thing for Ocean County, it's the right thing for the state, it's the right thing for the region. You've heard all the reasons -- economically, the power generation. The environmental concerns are being well addressed at the station. There's been a lot of work done since we've had issues, relative to how the plant is shut down, how we protect the fish even as we are shut down. There's been some fascinating things being done there. I'm sure that when you do come to the plant -- and I do encourage you to come to the plant -- that you talk to the folks there. It's just-- It's really neat what they're doing.

My particular job there is -- I'm involved in monitoring the performance of the plant: how many megawatts it puts out, how the temperatures going in and out of the plant. I watch all that stuff. And let me tell you that there's no finer group of people that I've met than are working at that power station. They are all top-notch people. And I really encourage you to go down there, talk to the folks, and I know you'll be enlightened on what's going on.

My concern is the fact that a lot of people -- very few people really know what's going on down there. My immediate folks -- my family and my

in-laws have the benefit of being well-educated on what's going on at the site. But many, many people don't. And we need to get the word out. And I'm sure you gentlemen will get -- are getting-- This is an excellent forum, and you should do it in other areas, also.

Thank you very much.

ASSEMBLYMAN McKEON: We will. And I thank you very much. (applause)

Mrs. Gayley, he did just fine. He was okay. (laughter)

We have Tim up.

And Jere Freeman will be next, after Tim.

And, Tim, could you just state your name again?

**TIM DILLINGHAM:** Sure.

Good evening, Mr. Chairman.

Tim Dillingham. I'm the Executive Director of the American Littoral Society. We're a coastal conservation organization, based out of Sandy Hook, up in northern Monmouth County.

I want to speak on a couple of issues, I guess, but very narrowly about the environmental impact questions, particularly as it impacts Barnegat Bay. And there's been a couple statements tonight about the plant being part of a clean industry and not having environmental impacts.

There was some earlier comments about really trying to look at the broad equation of balancing public interest. And I think you have to do that, because the questions that never seem to get addressed, when we talk about this type of power issue -- is to move away from the air emission issues and talk

about the estuaries. And that's the focus of my organization. We're very concerned about that.

Barnegat Bay is an estuary that's been recognized as being of national significance. It really is a jewel along the shore. And it serves as a nursery and habitat for a large number of shellfish, and commercial and recreationally valuable fish.

There's a tremendous economic base that's attached to those fisheries. There's some numbers in the testimony I've provided for you. I won't go through them. But the one number that strikes me is, if you look at recreational and commercial fishing, generally, in New Jersey it's a \$1.3 billion industry. So when we get into debates about economics and how those questions balance out, the stuff that's under the water has a value to it, also.

Barnegat Bay is recognized as being a very stressed estuary. And the problems that are going on there are primarily related to nutrients, a lot of which comes off the land, but a significant portion of which comes out of Oyster Creek and the power plant there. I think it's emitting-- We had a conversation earlier about various technologies in response to, I believe, Assemblyman Gordon's question.

Steam electric power plants, whether they're fueled by nuclear or fossil fuels, have a tremendous impact -- adverse impacts on fish populations in their vicinities because of the fact they bring in cold water, they discharge hot water. There are animals which are impinged up against the screens. They are entrained, pulled into the system, often die there. There are thermal discharges associated with the changes in the water temperature. Fish, at all different stages in their life cycles, are very sensitive to temperature differentials that place-- It

really reeks havoc with when they spawn, when they survive, the numbers that survive.

The thermal plume that comes out of the Oyster Creek plant is tremendous. It extends four miles, almost across Barnegat Bay. That's an enormous area that's impacted, that has an impact on those fisheries and their commercial and recreational values. As the plant sucks in animals, fish, larvae, it spews them out, in essence, as what's called *biological oxygen-demanding material*, which has an impact on the system.

We talk about equivalencies-- The numbers that I saw in some of the scientific studies, which I provided for the record, say it's roughly over 17,000 pounds of oxygen-demanding material per day. Just to put that into something that's maybe a little more easy to put your mind around, a large primary sewage treatment plant, with a capacity of 25 million gallons a day -- which is a fairly good size plant -- would cause a similar BOD loading of 21,000 pounds per day. That kind of plant would not be allowed, under current laws, to discharge in the Barnegat Bay. So that's part of the impact of this plant.

Because of its age, the plant has, in essence, avoided compliance with the current requirements of the Clean Water Act, the current standards we hold these kinds of discharges and cooling systems to.

So I guess our position on this is, as you go through this, this is a decision the State does have a tremendous ability to impact, through its permitting process -- which are parallel to, but also wrapped up in the NRC licensing considerations -- that as this conversation, this debate goes forward, the plant cannot be allowed to continue to harm Barnegat Bay in the way that it does.

Thank you.

ASSEMBLYMAN McKEON: Thank you very much. (applause)

Mr. Freeman, you'll have the full five minutes.

But I'm going to go to three minutes after him. I'm going to change the rules a little bit.

And the victim of that will be Doug O'Malley, from New Jersey PIRG, because you're next up.

**J E R E F R E E M A N:** Thank you.

Commission, I appreciate your time here today.

My name is Jere Freeman. I'm a resident of Barnegat. I live approximately five miles from the plant, with my wife and four children.

I've worked in the nuclear power industry for 26 years. The last 20 years have been at Oyster Creek. I started there as a control room operator, I went on to be a supervisor; now I'm presently Operations Superintendent at the plant.

Over my last 20 years at Oyster Creek, I've seen significant improvements in the material condition, the capacity factor, the equipment upgrades, the procedures, and the processes. The material condition of the plant has dramatically increased and improved.

We produce enough electricity at Oyster Creek for 600,000 homes, in an environmentally friendly process which produces, essentially, zero greenhouse gases. The shutdown of Oyster Creek will result in an adverse environmental impact, due to required replacement power from fossil fuels. Renewable energy sources are not practical replacements.

There is presently a controversial plan to place wind generators off the coast of the Jersey shore. To me, that is deplorable. There has been talk about wind generators here, from anywhere from 175 to 2,000 wind generators, to replace Oyster Creek. The Oyster Creek site cannot house all these. The other ones will go off the Jersey shore. To me, that is unacceptable.

Presently, the electric grid in this area is stretched very thin. If you live down here, you have had brownouts, rolling blackouts because of this. The biggest controversy in the Barnegat and Stafford townships, recently, in the last couple years, was one power line going in -- a 230 kb line going in. Housing prices around those power lines have gone down. To bring enough sufficient replacement power down into this region will require multiple lines of this size.

There was some discussion about Ciba-Geigy here today -- about shutting down Ciba-Geigy. I will tell you that Oyster Creek hired -- and these people are still employed at Oyster Creek -- the laid-off workers from Ciba-Geigy. Oyster Creek has provided them a safe, reliable workplace and reasonable wages. We have maintained their standard of living. I cannot say that that would hold true if Oyster Creek was decommissioned.

I appreciate your time. (applause)

ASSEMBLYMAN McKEON: Thank you very much, sir.

Doug.

And Garry Black will be on deck.

**DOUGLAS O'MALLEY:** Mr. Chairman, I'd be remiss if I didn't have my colleague, Suzanne Leta, testify before me. She's been working on this issue for the last two years.

ASSEMBLYMAN McKEON: If that would-- I was going to call Suzanne also. So if your testimony would be cumulative, then I would be happy to have her instead.

MR. O'MALLEY: I'll cede my turn to her.

ASSEMBLYMAN McKEON: Okay.

**S U Z A N N E L E T A:** Can you hear me?

ASSEMBLYMAN McKEON: Yes.

That was a very dramatic announcement, Doug.

MR. O'MALLEY: I try my best. (laughter)

MS. LETA: Hi, my name is Suzanne Leta, and I am the Energy Associate with New Jersey PIRG.

New Jersey PIRG stands for New Jersey Public Interest Research Group. We are a statewide, citizen-based organization with more than 20,000 members across the state.

I just want to thank Assemblyman McKeon and all of the Committee members for convening this hearing, and personally thank Mayor Scarpelli for really being a leader in Ocean County on this issue.

New Jersey PIRG staff have researched and worked with other community groups on Oyster Creek for several years now. Our report, released in April 2003 -- which I gave to all of you -- gives a detailed explanation of why Oyster Creek is an unnecessary risk to New Jersey residents.

There are a host of problems with Oyster Creek that other speakers will -- have discussed, and will continue to discuss. But we're highlighting three primary reasons why New Jersey PIRG thinks Oyster Creek must be closed on schedule.

First, the plant is quickly approaching the end of its license and the plant's design has dangerous shortcomings. Second, the population in the area has more than tripled since the plant was first built. And the area of both Ocean and Monmouth counties continue to grow at one of the fastest rates, both in the state and in the nation. And third, in the case of an accident, which becomes more likely as the plant ages, evacuation is nearly impossible.

As you know, the plant was built in 1969 and licensed to operate until 2009. But it's quickly approaching the end of its lifetime. The plant's-- Although the AmerGen folks described about how the plant was originally licensed for 40 years, due to an economic assessment-- However, the design of the plant was produced after that economic assessment. So the design of the plant is actually designed for a finite number of thermal cycles, shutdowns and start-ups. And that's actually designed for around 40 years. So I want to make that very clear. This plant is actually reaching its wear-out phase. It's reaching the end of its lifetime.

Nationwide, the risks of a nuclear accident-- And these are NRC's statistics. The risk of a nuclear accident increases with age -- as the plant ages. Thirty percent of recent equipment failures at nuclear plants were due at least in part to age-related degradation. Reports indicate that the failure rate of nuclear power plants follows a standard bathtub curve. In other words, a high rate of failure at the beginning of the plant's lifetime, followed by a relatively stable rate of failure, that increases as a plant ages, and increases as a plant reaches its wear-out period. And Oyster Creek is currently reaching in that -- and really is in that phase.

In addition, the plant has been sited for more violations in all but seven of our nation's nuclear power plants. If Oyster Creek is allowed to operate an additional 20 years, the plant will only become increasingly prone to accidents. If an accident were to occur at Oyster Creek, the plant's design is such that the public would be directly exposed to radioactive steam.

Now, as you know, Oyster Creek is a GE-designed, Mark I boiling water reactor. The containment system really does have dangerous shortcomings. The purpose of this containment system is to create a barrier against the release of radioactivity in the event of an accident. However, the Mark I design has a small, less expensive containment system that has a 90 percent likelihood of failure, because it can't withstand the pressure buildup.

In 1972, the Atomic Energy Commission, which is now the Nuclear Regulatory Commission, prohibited Mark I reactors from further construction. And three General Electric nuclear engineers publicly resigned, at that time, warning Congress of the likelihood of a core meltdown in the case of an accident.

In 1986, an industry work group determined it was necessary to alter the Mark I reactors. They created a vent to avert the pressure buildup before the containment system failed.

ASSEMBLYMAN McKEON: We appreciate your testimony. I'll need you to wrap up. You've got about a minute left.

MS. LETA: Sure.

However, this vent system installed in the Mark I reactors, in order to prevent a containment breach, allows unfiltered release of radioactive, high-pressure steam directly into the atmosphere, through a 300-foot vent. In other

words, Oyster Creek's faulty containment system, that cannot withstand pressure buildup, has now been altered so that pressure can be deliberately released by venting radioactive steam into the atmosphere, causing direct public exposure.

We've talked about how the population has increased. We've talked about the evacuation plan. I'm going to say two words about that and then conclude.

The problem with the-- There are numerous problems with the evacuation plan. But the reality is that we know-- We don't-- We know that radioactive release can occur within one to two hours, depending on the type of accident, depending on the weather. There are only three subzones -- within the 20 subzones, within the 10 mile radius -- in the current plan where the population can evacuate within one to three hours -- only three of those subzones.

The last thing I wanted to just talk about, very quickly, was replacing the energy. As you may know, New Jersey PIRG is really the leading group in the state on energy issues. And I want to make a couple things very clear.

No matter what Exelon would like you to believe, Ocean County's economy is not dependent on Oyster Creek. According to the Ocean County Planning Board, the five largest industries in Ocean County are food services, health-care services, hospitals, food and beverage stores, and nursing and rental care facilities. Ocean County's economy is dependent on tourism and the health-care industry.

According to the Federal government accounting office, we know that there are ample resources to decommission the plant and, potentially and ideally, provide workers just transition and/or compensation.

And then, lastly, at 650 megawatts, Oyster Creek does produce less than 1 percent of the energy on the regional grid. And if the plant is shut down tomorrow, the lights would stay on. Currently, the grid has ample supply of excess electricity. The 2004 expected reserve margin was 18.6 percent. That's 2.6 higher than the grid's target reserve margin of 16 percent.

Nonetheless, we don't want to depend on the grid's excess capacity.

ASSEMBLYMAN McKEON: I'm going to stop you now. And if you have extra testimony in writing, we would be happy to consider it.

MS. LETA: Sure.

ASSEMBLYMAN McKEON: I know your organization is very studied on this issue, and that's why I gave you a little bit of extra leeway.

But thank you for your well-prepared and compelling testimony.

MS. LETA: No problem. Thank you for having us. (applause)

ASSEMBLYMAN McKEON: Thank you.

Mr. Black.

And Tom Fote will be next, after Mr. Black.

**G A R R Y B L A C K:** Well, I certainly hope the plant works better than some people's watches.

I'm Garry Black, for the record. I'm from Jackson.

I'm not here to speak for any political party or anything else. I'm just here as an Ocean County native, who grew up next to the plant. I used to live in Lacey Township. It's where I grew up.

A lot of things have been said. Unfortunately, a lot of things are being ignored about this case of whether to keep this plant open or not. On your little paper there, you had two choices: either for or against. You didn't have a spot for, "Let's think out every detail of every option of either direction." Hopefully, someday, you can put that in there.

We've heard all kinds of testimony. Some questioning -- was questionable about the closure of this plant. The one thing I don't think anybody is really thinking of is, what will life be like without it? It has been -- a false representation has been given that everything will be safe when this plant closes. That is not true at all. And I'm going to focus on this, because it's the one thing nobody seems to be talking about or thinking of.

It will always be a terrorist target. It will always have nuclear radiation there. The vessel has a half-life of over a hundred years. Any talk of using that site for an alternative energy is the ultimate of ignorance and stupidity. What will happen to that plant when it closes is nothing on that site in our lifetimes. With a renewal-- If a renewal does happen, I absolutely do not believe the plant will run for another 20 years after 2009. We have other alternative energy sources that, hopefully, will be coming online by that time.

Right now -- and it's unfortunate -- that with all the methods of creating electricity -- and none are safe. Do I have to remind you about what happened to an apartment complex, not that far from where you're from, with a gas line going to PSE&G? It was obliterated.

You have greenhouse gases from anything that burns anything. So let's get out of this belief that, right now, we have a safe technology. There isn't. Unfortunately, nuclear, right now, is the cleanest and safest way to make

electricity. And, hopefully, some day that will change in development of hydrogen energy, and on-site electric generation, and buildings using hydrogen energy. The days of the grid, in the next century, hopefully, will be gone.

But let's think, again, what's going to happen when this plant goes down. Where's the money going to come from to secure that facility? The radiation doesn't go away. A plane can still hit that building. That reactor will still be radioactive and still be a hazard.

I heard talk of \$114 million in a fee to close it down. That's not squat. Politicians will get their hands on that money and you know that, given \$114 million, that you're going to find a way to spend it. You know that. You're Assemblymen. (laughter) We have to think of the long-term effect, either way.

ASSEMBLYMAN McKEON: You've got one more minute.

MR. BLACK: Okay. Maybe you didn't like that one.  
You've got to think of the long-term--

ASSEMBLYMAN McKEON: I was fine with that. You can say whatever you want. But you have one more minute to finish it.

MR. BLACK: You've got to think of the long-term effect of either way. If the plan is to shut this plant down, let's be serious, and let's be real. Where is the money going to come from? How are we going to secure it? Not in five years, not in 10 years. We're talking a hundred years. Do we understand that? We need--

I favor keeping that plant open for another 10 years, to generate the money needed to eventually deal with it when it becomes economically infeasible to operate, which, those days, I know, are coming.

But we have to think of everything. There is no time. This is a very serious issue. There is no time for political showboating, chest beating. This is the reality, folks.

Thank you.

ASSEMBLYMAN PANTER: Thank you, Mr. Black. (applause)

We're going to ask--

Mr. Fote, if we could just ask you to indulge us for one moment. There's one gentleman that just wanted to testify briefly, because he had to leave this evening. Would it be okay if he went first? (affirmative response) We'll let him to -- three minutes, then you could go ahead.

That's Paul Gunter, from the Nuclear Information and Resource Service.

Thank you very much.

**PAUL GUNTER:** Thank you.

My name is Paul Gunter. I'm Director of the Reactor Watchdog Project for Nuclear Information Resource Service, in Washington, D.C.

We've been coming up here since 1993 and providing communities and individuals with information. And you have my written testimony.

I'd like to focus my few minutes on the issue of Oyster Creek being structurally vulnerable to acts of terrorism. I'm going to-- This is not my opinion. I'm going to read to you from an NRC technical report regarding spent fuel pool vulnerabilities. This one was published in October 2000. And if you would look to Section 3.5.2, Aircraft Crashes-- This is what the NRC has to say: "Mark I and Mark II secondary containments generally do not appear to

have any significant structures that might reduce the likelihood of aircraft crash.”

When the Committee does go to visit Oyster Creek, I hope you are in a position to go up to the sixth through tenth floors of that facility, because over 500 metric tons of irradiated fuel are stored in an elevated storage pond that would be vulnerable -- that is vulnerable, today, to the possibility of not just a hijacked commercial aircraft, but is vulnerable to a private aircraft laden with explosives.

In my testimony you have -- in Diagram C you have a publicly available diagram of that plant that's been out there for decades. I would like to point out that, today, the Nuclear Regulatory Commission and the operators of Oyster Creek take -- or make no claim to responsibility for protecting that elevated risk. And that same NRC study points out that tens of thousands of cancer deaths would result in the zircaloy fuel fire that would result if that fuel pool was ruptured by not only aircraft -- but it could be a platter charge, it could be any number of available ordnance out there on the black market.

My last few minutes I would like to focus on-- You heard tonight that the NRC is the final resolver of this, of the license renewal. And while the Federal agency is the licensing agency, we have intervened in four reactor extensions in North Carolina and South Carolina. And I'm here to tell you tonight that it's our experience that the Nuclear Regulatory Commission has demonstrated a bias in its process, which provides the industry with “certainty” -- and I'm putting that in quotes -- that both the State and the public is barred from a full hearing on challenges to some of the most contentious environmental issues and safety issues in the license renewal process.

And in closing, I would just like to point out four of those. The State nor the public is allowed to raise the issue of increased security risks resulting from extended vulnerability to acts of terrorism and sabotage. The NRC has told us, by order, that terrorism is simply “too speculative” in their -- and I quote that -- to be considered in a license renewal or, for that matter, any licensing proceedings. So they barred the State and the public from raising those contentions.

Health and environmental risks associated with the extended waste generation without a licensed, long-term management facility that is scientifically accepted or demonstrated-- That is barred from considering the 20 years additional operation of Oyster Creek or any other nuclear power station.

The additional risks associated with accidental radiation releases stemming from the failure of extended age-related degradation of major safety components, such as the core shroud and the reactor pressure vessel, have been barred.

And, finally, but not -- only finally from tonight -- for tonight -- the health consequences to downwind and downstream populations arising from extended exposure to routine radiation releases from the operation of that reactor. I would just like to point -- and for the record -- that Oyster Creek, in 1979, emitted 1.1 million curies of radiation, as the report to the U.S. Nuclear Regulatory Commission -- one year.

ASSEMBLYMAN PANTER: Mr. Gunter, if you could, just wrap it up, just so we have time for the others. We would appreciate it.

MR. GUNTER: My final comment -- and I would like to particularly extend this remark to Mr. Gordon -- we would be happy to continue

to update you on an issue that we're monitoring, where the Nuclear Regulatory Commission, and the Nuclear Energy Institute, is now in the process of reducing reliance on emergency planning and, instead, focusing on sheltering in place.

ASSEMBLYMAN PANTER: Thank you, Mr. Gunter. (applause)

And thank you, Mr. Fote, for your patience.

After Mr. Fote, we're going to Lynn Newton, to come up if she's available.

Thank you.

**T H O M A S F O T E:** My name is Thomas Fote. I'm here representing Jersey Coast Angler Association and New Jersey--

ASSEMBLYMAN PANTER: Do you want to pull the microphone down, perhaps?

Thanks.

MR. FOTE: My name is Thomas Fote. I'm here representing the Jersey Coast Angler Association, and the New Jersey State Federation of Sportsmen's Clubs.

I'd really like to thank this Committee. This is a perfect example of the public process. It allows people to come out at night -- not to give up a day of work, not to lose wages -- and hear both sides of the argument. So I really would applaud this Committee for doing that. And I appreciate it. I wish more committees did that, and allowed the public to come out and wouldn't have to give up a day's pay to, basically, testify on important subjects.

I'm not against-- I'm not anti-nuke, I'm not anti-coal. What I am is anti killing fish. Power plants in New Jersey, whether it's coal fire or the nuclear power, kill fish. We've changed the whole ecology of Barnegat Bay, the

same way we have with Salem Nuclear Power Plant. We kill more striped bass in this state by nuclear power plants than most anglers would catch in a lifetime or 10 lifetimes. One power plant alone kills enough embryos to produce 50,000 striped bass. We need to stop that. In Ocean County, tourism is a big part of its economy.

I also serve as the Governor's appointee to the Atlantic States Marine Fisheries Commission. I was sitting, two weeks ago, putting more restrictions on the fish that we can catch in New Jersey -- basically hurting the commercial fishermen, hurting the recreational fishermen, and hurting the industry that depends on it, which is about-- If you think about the boat building, the commercial and the recreational, it's about \$6 billion to the State of New Jersey. That's what I'm worried about.

And anything that could be done in a nuclear power plant, or any other plant, that would stop killing fish-- Why, when Oyster Creek was built, did they have to put out of business all the marinas around it, why homes were bought? Because they changed the ecology. The ship worms were basically eating out the bulkheads of those materials. Right or wrong, it's created a different effect, different fish, different ecology of the bay. That's what I'm worried about.

They can build cooling towers. They can prove to me they wouldn't have any more harm on the environment. I'd have no problem with that. And that would create jobs, that would make money, that would put more people to work. That's our condition. That's what we worry about. Let all the other experts deal with all the nuclear hazards or the evacuation. But I'm here talking about fish and the wildlife that depends on it.

Just think about what's going on right now in the Delaware Bay. We have an oil spill. There's a whole bunch of consequences on the wildlife there, plus the hunters and the fishermen. Basically, they will not-- There was an advisory to stop duck hunting now, because you're afraid of taking the ducks home to eat. We don't need this.

If they could correct those problems-- That's what the Jersey Coast -- that's what the Federation's objections are -- is to killing fish.

Correct those problems, and please make sure they're done. And not just in Oyster Creek, but at the other nuclear power plants, and the other coal burning plants. Fifty percent-- One study -- and we've been doing it at the Atlantic State Marine Fisheries Commission, with all the states -- looking at the damage that power plants do to fisheries populations. Fifty percent of the harvest that's shared in the Hudson River could be greater -- that commercial fishermen and, both, recreational fishermen -- if we did something about the impingement and the circulation.

So we need to design a system that don't suck up the water.

ASSEMBLYMAN PANTER: I know that three minutes goes quickly. Thank you for wrapping up. I appreciate that. (applause)

We're going to have Lynn Newton come up. And then we have William Costanzo on deck.

**L Y N N N E W T O N:** Hi.

I thank you for spending your time here today.

My name is Lynn Newton, and I'm currently the Environmental Manager at the Oyster Creek Nuclear Generating Station. So I'd like to give

you some information. And I am a New Jersey resident for my whole life. And I actually was a Brick Town resident in '86 through '88.

We are lucky enough and fortunate enough to be living between the beautiful Jersey Coast and the New Jersey Pine Barrens. So we are very lucky to have those kinds of natural resources at our fingertips, whether you enjoy the shore or you like to camp, and hunt, and fish. And as such, in my background, we like to base what we know on fact. And I'd like to share with you just a few facts to put some things into perspective that were discussed here today.

As was discussed a little bit earlier, if you stood on the plot edge of the Oyster Creek Nuclear Generating Station, you would get a .009 millirem dose. I want to compare that to a smoke detector in your home that will give you 1 millirem, a full mouth X-ray that will give you 45, and smoking a pack a day of cigarettes gets you 5 rem per year, self-inflicted. So I'd like you to use those facts to base your decisions on the impact of the Oyster Creek Generating Station on the general public.

In some of the discussions we've had, people have talked about cancer in Brick Town, and the fact that the cancer in Brick Town is being caused by the Oyster Creek Nuclear Generating Station, and strontium 90 that's carried in the air in the direction of Brick Town. The fact is, the wind direction toward Brick Town is 7 percent of the time. It's not 100 percent of the time. So if you straighten the facts out, when you look at the data that was presented, the facts are, the cancer rate in Ocean County remains steady from the time before the plant was constructed to this time now. And if you look into the data of that study, you will see that when you take the exponential data out and lay it into the appropriate graphs. So it's important for us to base our decisions on facts.

We've been accused of being stagnant at Oyster Creek. If we were stagnant, the Mark I containment never would have been improved to meet today's standards. And that's not true. When you look at the intake structure at the Oyster Creek Generating Station, in the intake, we do remove the fish and return them to the discharge canal. When you look at the fish kills--

I'm happy you brought that up, because that is a concern. When we look at the history of that plant, we have learned an awful lot in the last few years about fish kills and how to avoid them.

We had Bud and Bill discuss earlier today-- We've had a lot of success this particular year. We had an outage scheduled in April. We have a permit that says we can take the plant out in April. But that never removed our obligation to look at the environmental criteria and determine we were going to damage the environment. So we moved that outage. And that's what a good environmental neighbor does.

We had two forced outages. Not one fish was dead at the Oyster Creek Generating Station. And we just committed a refuel outage that, a number of people have told you, we took a lot of activity to protect the fish.

An interesting part of that is, when we did the studies, we did identify that there was a striped bass population issue in the Barnegat Bay. And the Exelon corporation has decided, of their own accord, to put fingerlings in the bay this Spring, to help replenish the sport fishing and, hopefully, someday contribute enough to replenish the commercial fishing industry, as related to striped bass, in the Barnegat Bay.

All my life I have lived in New Jersey. But I do admire people that live in the state of Missouri, because Missouri is the show-me state. So what I'd

like folks to do is ensure that you're basing your decisions on facts. If you have questions about the safety, security, environmental issues, the intake structure, or the safe operation of Oyster Creek, I invite you to come down and let us show you. We will show you one of the finest operating nuclear power plants and operation crews in this country. So I invite you all to come down and take a look.

Some people look at Oyster Creek as big business. We look at it as a family business, because that's the way we run it there.

So I invite you all to come down -- anybody that wants to come down. We'll be more than happy to show you everything we've got down there.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Mr. Costanzo.

**WILLIAM COSTANZO:** Yes.

ASSEMBLYMAN McKEON: And next will be-- Brendan Hoffman would be next.

Please, Mr. Costanzo.

MR. COSTANZO: Hi. My name is Bill Costanzo. I was going to read a statement by Sidney Goodman, who is the author of the book, *Asleep at the Geiger Counter*. But I'm not going to read it, because I don't have time. So I'm just going to make a few comments.

ASSEMBLYMAN McKEON: If you'd like to send that to us, we'll make sure that we read it.

MR. COSTANZO: I will give it to you, yes I will.

All right, we are told the plant is cleaner, safer, and more economical than other sources of energy. But we are not told it takes 20 tons of coal to make 1 ton of uranium to go into the plant. We are not told about the depleted uranium -- the mountains of depleted uranium that exist in order to create that one ton raw that goes into the plant. We're not told that the *Bulletin of Atomic Scientists*, in September 1975, said that the mill tailings -- the depleted uranium pose a greater health hazard, that dwarf the hazards associated with the burning of coal.

So while that plant may be cleaner right here in Ocean County, it's creating a disaster in other parts of the country.

I have a short statement in one of the PIRG books-- In Utah, for example, toxins leaking from the Moab uranium tailings have contaminated local groundwater supplies and traveled down the Colorado River, contaminating the source of drinking water for approximately 25 million people, 7 percent of the U.S. population. They expect that to remain contaminated for the next 270 years. So it's not so-- The whole thing is not so clean.

We're told it's safer. Yet, in books like this, *Asleep at the Geiger Counter*, and *Deadly Deceit*, I read about nuclear accidents that have happened. And each time, the government says that there's nothing wrong. It's a small release, very minor. There's one case in Connecticut where the so-called *minor release* resulted in all of the radiation detectors going off at the naval base. And they were furious, because they had run a clean shop. But, again, the government is saying nothing is wrong. And all the radiation detectors are going off downwind. So you can't really trust the government on this.

We're also told it's economical. But we're not told that the industry is subsidized to the tune of \$7 billion a year. So if you divide \$7 billion by 104 plants, you've got something like \$70 million per plant subsidy. That's a lot of subsidy. That's not so economical. I would rather that they use gas to heat the hot water and just turn it into a gas plant. I'll give you something here on a plant in Colorado that was turned from nuclear to gas, and the production went up 43 percent. So why not build some gas plants?

Let me see. There's a little more I want to say.

They say we never had-- One of the gentlemen said-- Mr. Earp said we never had an accident at the plant. Apparently he doesn't know about the fish kill. They were fined a million dollars for that one.

We're told that their security at the plant is excellent. But the break-ins, by the so-called *Navy SEALs*, are by appointment. I believe it's one team only, and it's by script. I have a little statement here on what happened when the related team went off the script. The plant was furious. It's on Page 24 in the PIRG book.

For example, during a test at Oyster Creek, one of the mock terrorists took the badge off a dead guard and used the badge to enter a building unchallenged. The utility was furious, complaining to the NRC commissioners that this was cheating, because such a tactic had not been scripted. So this is a sample of the security exercises that they have.

In general, we don't need that plant.

Oh, and by the way, as for needing the electricity--

ASSEMBLYMAN McKEON: I'd like you to wrap up, sir.

MR. COSTANZO: Wrap up, okay.

We don't need the electricity. When we had the big power outage in New York -- I believe it was summer of 2003 -- the plant was down, but the grid was selling excess energy to New York City. Now, they say you can't do that because you can't push it through the wires that far. But the grid -- the three-state grid managed to send it all the way to New York City. So you can push it through the wires that far.

So we don't need them for the electricity now. And we can improve things dramatically with gas.

Thank you.

I'll give you these. (applause)

ASSEMBLYMAN McKEON: Thank you.

I know I mentioned Brendan.

Brendan, hang in with me, because I-- Brendan, wait one moment.

I'm going to call Kathleen Kingeter.

And, Brendan, you'll be next. I just called out of order.

**KATHLEEN KINGETER:** Good evening.

ASSEMBLYMAN MANZO: We're in trouble.

ASSEMBLYMAN McKEON: Where's the State Troopers?

ASSEMBLYMAN PANTER: You're not going to sing for us now, are you? (laughter)

MS. KINGETER: Good evening, and thank you for this opportunity.

My name is Kathleen Kingeter, and I grew up in Beechwood, New Jersey, which is right next to the Oyster Creek power plant. I currently live in Brick. And I work as a high school science teacher. And I talk about

environmentalism every day. It's just part of what I believe in. I'm really big on the environment. I love nature.

However, I don't feel that the Oyster Creek power plant is a problem for us. I remember going there in third grade on a field trip. And I remember riding a bike. In order to turn on a light bulb, you had to peddle so hard. And I don't think that enough windmills could create a lot of energy, and I don't think enough people riding bikes will create enough energy either. But I really do think that we can definitely use the power plant.

I think a lot of people seem to be afraid of what might happen, especially with all these terrorist attacks. And I totally understand that, especially with 9/11. However, I do feel that the Oyster Creek power plant knows when something is broken in their factory -- or in the plant -- and they fix it. And they're updated, and they're working on it. And if it's not broken, then why bother getting rid of it and looking for something new? If it's not broke, don't fix it. That's one of the things that I feel.

And I also have a possible solution. Instead of renewing for possibly 20 years, maybe do a 10-year renewal. And in that 10 years, if they are not up to par still, then possibly close down the plant then.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Brendan, thank you.

And Jim Frank will be next.

We're getting-- We've got about another 10, 15 minutes left. So I don't know that we'll get to absolutely everyone. But I want to give all

members of the Committee a couple minutes each to start off. And we'll give you a way to communicate with us if you didn't get called to testify.

**BRENDAN HOFFMAN:** Members of the Committee, thank you very much.

My name is Brendan Hoffman. I am an Organizer on nuclear energy issues with Public Citizen, based in Washington, D.C. I've submitted longer versions of my remarks to you in written form.

I'd like to talk about security at Oyster Creek. Last month, for the first time since the September 11 attacks, the U.S. Nuclear Regulatory Commission resumed their full-scale, force-on-force security testing at nuclear plants around the country, including Oyster Creek. Such tests are a vital component in ensuring that security at nuclear plants is adequate. However, it is expected that it will take at least three years to test all three -- all 103 operating reactors in this country.

It's in everyone's interest that security guards at nuclear plants are well-trained, well-armed, and well-prepared for whatever may come their way. But we are disturbed by the fact that three years after 9/11, we feel the security at nuclear plants is still unnecessarily weak.

For example, a major conflict of interest exists in how security preparedness is assessed through these force-on-force exercises. In June, the Nuclear Energy Institute signed a contract awarding the private security firm Wackenhut responsibility for managing and providing the mock attackers for these tests. Wackenhut, however, already provides the guards at Oyster Creek and nearly half the other nuclear plants in the country. If Wackenhut is interested in retaining its contract to guard Oyster Creek, and indeed all Exelon-

owned nuclear plants, there's a strong incentive for the Wackenhut-employed mock attackers to artificially reduce the intensity of their assault against the Wackenhut guards.

While the NRC will monitor the tests, it would be easy for the pretend terrorists to fake small mistakes that could alter the test results. According to Dave Lochbaum, a nuclear safety engineer with the Union of Concerned Scientists, "An attacker can easily fake a misstep or fail to promptly take cover when encountering a security guard, without the NRC's observers knowing what happened."

These worries about collusion between attackers and guards may sound conspiratorial. However, the U.S. Department of Energy's Inspector General released a report this past January that found exactly that had happened. At the Department of Energy's Y-12 nuclear weapons facility in Tennessee, two guards were informed in advance of the test -- which buildings and wall would be attacked, what components the attackers would aim for, and whether a diversionary tactic would be employed. The effect was that the guards were able to successfully defend the plant in all of the attack scenarios, even though computer simulations indicated that they would have failed in half the tests. Both the guards and the attackers at the Y-12 facility in question were employed by Wackenhut.

If conducted properly, these tests could be invaluable in identifying security weaknesses. But this conflict of interest will render the test all but meaningless. And neither the industry, nor the NRC, nor public officials will have a clear idea whether the guards at Oyster Creek and other plants are truly prepared to repel a major attack.

One other point I'd like to make, real quickly, is that we heard the gentleman from Exelon talk earlier about how \$20 million has been spent at Oyster Creek to upgrade security since September 11. And I think that's just fantastic. But it's not an acceptable way of measuring progress, nor is it acceptable to claim that the plant is secure, just because it might be marginally more secure than another type of industrial facility.

The real test is not how much money is spent, but whether that money provides us with enough security. And we do not feel that enough has been done at this point. I'm concerned that the nuclear industry still views security as nothing more than a drag on their profits, and that the NRC is being too sympathetic to their concerns.

The NRC does not have a good history of responding proactively to threats. In this case, we've not yet persuaded them to fight the last war, let alone anticipate threats of the future. Until that situation changes drastically, I can only recommend that Oyster Creek shut down in 2009, if not sooner.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you for your testimony.

Mr. Frank. Is Mr Frank still here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He had to leave.

ASSEMBLYMAN McKEON: Oh, he had to leave.

Mr. -- I'm sorry if I'm mispronouncing it -- DeVries.

**A L D e V R I E S:** DeVries. (indicating pronunciation)

ASSEMBLYMAN McKEON: DeVries. (indicating pronunciation)

Mr. DeVries.

MR. DeVRIES: All right. I get a chance to talk. Too much sitting there.

ASSEMBLYMAN McKEON: And Nicole Summers is going to be next.

MR. DeVRIES: My name is Al DeVries. I'm a resident of Tuckerton, New Jersey, which is down on the southern end of Ocean County. I'm also an employee at Oyster Creek, and I've been an employee there for over 15 years now.

I'm used to dealing with rough crowds, because normally my job at the plant is to train the licensed and non-licensed operators at the facility. So I have a pretty good understanding not only of the people, but of the equipment, the design of the plant, and its maintenance.

Some of the allegations here, talking about the age of the facility -- and, somehow, that the age of the facility is, in some way, going to eventually lead us to some kind of a disaster, just because it's old.

Personally, I don't collect automobiles. I do know some people collect automobiles. I would like to-- If I had a choice of having a collectable automobile, I wouldn't mind having a vintage, 1969 Corvette that was kept up in good shape, nice and polished, maintained on a regular basis with a dedicated maintenance staff and crew, garage-kept, all that kind of stuff. You could give me one of those, and I wouldn't complain.

Oyster Creek is maintained in a similar fashion. We have surveillance test requirements, where we test all of our safety systems on a regular basis. The results of those safety system tests are reviewed by the Nuclear Regulatory Commission. Those results of the tests -- all those things

are public record. They can be viewed by the public. They're part of the public docket of Oyster Creek with the NRC.

Things that I also like to point out -- recent newspaper headlines -- the spill of oil in the Delaware River, for instance. There is an environmental impact there. It's an ongoing environmental impact. It's making-- It's causing damage to the environment right now.

If we were to replace Oyster Creek with a coal burning plant, or some other fossil fuel plant, we run environmental risks associated with those kinds of things that would, I think to most people, be environmentally unacceptable. Oil spills in Barnegat Bay, I think, would be environmentally unacceptable. Coal burning power plants-- As much as Exelon does have a fleet of coal burning plants-- Coal burning power plants, on a regular basis, emit somewhere on the order of 800 pounds of waste into the atmosphere for every megawatt of power generated at those facilities. That waste that goes into the atmosphere has environmental consequences on an ongoing basis.

Oyster Creek and other nuclear power plants emit next to nothing as far as greenhouse gases, nothing in the way of carbon dioxide, nothing in the way of sulfur dioxides that are now, presently, causing a problem with our environment, not only to the United States of America, but on a global basis.

Other things about fuel at Oyster Creek-- I hear this being brought up on a basis over and over again -- the dangerous, deadly nuclear fuel. One of the things that we do know about the dangerous, deadly nuclear fuel is that all the fuel ever used at Oyster Creek is currently stored on-site. It is monitored continuously. It is kept in a situation that is out of harm's way as much as can be technically possible or feasible at the current time. Certainly, we do want to

have a long-term repository. The money from the utilities is on hold, basically, and being spent for research and development at Yucca Mountain. But that money is coming from the utilities. And we look forward to the time when that facility is open and that it can take the waste away from Oyster Creek and the operating nuclear plants. But, currently, that fuel is in a safe condition. It is monitored continuously. And it also is guarded and protected by the security force at Oyster Creek.

The actual volume of that material -- for anybody that's interested -- is probably about the amount of space -- of the footprint of which would be like, about the size of a basketball court -- if anybody just wanted to, kind of, put it in perspective. And, again, we know where it is, we monitor it, we control it, and it is guarded and supervised.

Other things from the overall standpoint, as far as global impact-- Other industrial countries in Europe, such as France, Germany; over in the far East, Japan -- those folks are investing a lot of money in advanced nuclear technology. Does that mean that they don't have environmental issues there, that they're not concerned about their safety and well-being? If these other industrial countries see fit to be putting that kind of investment into advanced nuclear technology, why should the United States be any different? We are an advanced technological society. We have to weigh the risk versus the benefits of our technologies.

When somebody said earlier about the amount of coal that it takes to mine a certain amount of uranium-- How much coal does it take to mine a certain amount of coal? And how much energy do we get out of the coal that's

being mined? These are the kinds of things that we have to weigh in the balance.

I think the perspective of--

ASSEMBLYMAN McKEON: I'm going to ask you to try to conclude.

MR. DeVRIES: Oh, okay. Fine.

Again, we appreciate the ability to come here and to voice our opinions. And we appreciate you listening to us. And, again, hopefully when you do come down to Oyster Creek and take a tour, you will be suitably impressed with our operation there. And, in particular, I think you'll be impressed with our security upgrades.

Thank you.

ASSEMBLYMAN McKEON: Thank you very much. (applause)

All right, we have--

There will be just three more witnesses, and I'm going to cut you each to two minutes, so I can squeeze a few extra in.

I think I called, already, Nicole Summers.

**CINDY ZIPF:** Actually, is that Clean Ocean Action -- Nicole?

ASSEMBLYMAN McKEON: Yes.

MS. ZIPF: Mr. Chairman, my name is Cindy Zipf, from Clean Ocean Action. And I will be presenting the testimony tonight for Clean Ocean Action.

ASSEMBLYMAN McKEON: Well, that will be terrific. Thank you.

MS. ZIPF: Okay. Great.

Hi. Hello to all of you. Good evening, and thank you, also, for being here.

I want to echo the comments that Tom Fote had made, regarding the Committee coming here, out to the shore, to address these issues. This is a very important issue that has very a profound impact to the entire state, and the region. So I do want to really welcome you all, and thank you for taking the time to come out and hear the citizens' points of view.

My name is Cindy Zipf. I'm Executive Director of Clean Ocean Action, which is a broad-based coalition of approximately 170 organizations that care deeply about the coast -- not just your traditional fish huggers, but women's organizations, community groups, divers, fishermen, boaters -- a wide variety of groups. And we've all been very committed to ending ocean pollution.

The comments tonight, I'm going to briefly go over. They're being prepared by Nicole Simmons, our Staff Attorney, who has expertise in environmental law; and also Dr. Jennifer Samson, our Staff Principal Scientist, who is a marine ecotoxicologist, who is doing the research on these proposals. Our marine ecotoxicologist has extensive experience in pollutants on marine organisms. So we will be submitting formal testimony to this Committee based on those experts. And we hope that that will help you evaluate your decisions, as they come forward.

The Oyster Creek nuclear power plant has degraded the marine environment, as has been stated by many previous speakers. And the reasons against relicensing are numerous and substantial, including inappropriate location, aging and degrading of infrastructure, problematic storage facilities,

and most importantly, significant ecological impacts of the once-through cooling system and the mandated once-through cooling system.

Oyster Creek's once-through cooling system causes severe adverse effects on the marine environment due to impingement, entrainment, thermal discharge, and chlorinization. The once-through cooling system requires a billion gallons of water to pass through the plant daily. The water is sucked in, actually reversing the Forked River direction in order to accommodate their needs. This has been a very significant impact to the Barnegat Bay.

Impingements occur when the animals are trying to -- bigger animals get stuck to the plant. A study that was done reported 22 million fish in one year -- 22 million fish and invertebrates were impinged against the intake. That's a lot of fish.

Entrainment occurs when even the smaller ones get sucked through the plant. It's a very difficult journey. First, they're shocked with the thermal change in temperature. Then they get pressure washed through the system. The mechanical stress of actually going through the machinery, and then being subjected to chlorine-- Then they get spit out into the environment. And I guarantee you very few of them survive. These are billions of small fish and larvae -- fish eggs and larvae, and invertebrate eggs and larvae.

So we look forward to providing the Committee with extensive comments on the scientific impacts of the cooling water system.

And it is important to note that, imminently, the Oyster Creek power plant is going to be trying to obtain a new NJPDES discharge permit for the facility. Whether they get renewed in 2009 or not, their new permit is up for reconsideration. And they are required, under the EPA, to take into

consideration new requirements under Phase II regulations, which mandate that they upgrade their facility. And as the good neighbors that they have claimed to be, we expect that that will include a closed-loop system, which will eliminate the impact -- eliminate the cooling water intake system impacts that are occurring today -- and dramatically improve the fish stocks and the invertebrate stocks of the region.

I will just simply close by saying that Clean Ocean Action would like to accept the challenge, or the invitation, of the environmental person from Oyster Creek to take a tour of the facility and investigate the facility. And if they would like to, we will contact them afterwards to set that up.

Thank you very much for this opportunity to testify. And, again, we'll be submitting formal comments. (applause)

ASSEMBLYMAN McKEON: Thank you.

And hopefully that can be arranged.

All right. At the prerogative of the Chair, it is now 10:00. Many of us have several hours to drive home yet. So I am going to stop the testimony at this point in time. When I say stop it -- it will continue, because I will-- Anybody interested in submitting written testimony, or supplemental testimony if you already did testify, to us, please come up to the podium and we'll give you an e-mail address as to where that can go to.

Secondly, there will be other hearings in this region, which we'll talk about, I guess, when we get back to me after I give all my colleagues a moment to speak. At that point in time, we will try to keep the slips of those who didn't get a chance to testify today, and try to call them first.

So with that, I'll turn to -- down at the end of the podium -- to Assemblyman Manzo, to say a few words.

ASSEMBLYMAN MANZO: Thank you.

I just wanted to echo back a lot of the points that -- and information that I picked out tonight, to maybe hone in on where this Committee should be going.

Number one, there was a lot of talk about a potential for a terrorist attack on the plant. And I wasn't as much swayed by that, only for the fact -- and I don't know if many of you realize this -- that that could happen whether the plant's in decommission or not.

And for my vantage point, I'm more interested in hearing more information on concerns that I have about the evacuation plan review, which I think this Committee needs more info on, and how that affects the rapidly changing demographics of this area, the population shifts. And more importantly, how do summer visitors -- God forbid -- on a July 4th weekend, who might be caught in an incident at the plant, know what the heck to do? So those are issues, I think, that are of more concern than the terrorist attack issue.

The other thing I think the community really needs to do is get a better grasp on the economic issue and impact -- the workers at the plant. We heard testimony -- 451 full-time workers, 915 jobs that are affected across Ocean County, and some thousand jobs across the state -- what the plant contributes to your local economy. These are issues that you should grasp with, as well as the other environmental concerns. And that was brought out so eloquently by PIRG and Clean Ocean Action, and a couple of the other environmental groups.

And just summing up, I'd still like to hear a little bit more on the issues I raised earlier about what really is the economics of the energy picture here. How much will natural gas offset Oyster Creek by 2009? And, again, what is the true supply to the national grid? So those are more things -- I'm going to look more into the detail of the reports they gave us.

But I just wanted to echo that back to this community, because these are things you have to come to grasp with and understand.

Thank you for being such a good audience tonight.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, Assemblyman.

Assemblyman Gusciora.

ASSEMBLYMAN GUSCIORA: Mr. Chairman, I wanted to commend you for organizing this Committee tonight. And I think it was productive and informative. And I think that the testimony on both sides -- of both -- is passionate, and informative, and will help us in our deliberations.

I think the gentleman who talked about the sheet -- of being supported, and not support, and then there was no middle box. Well, we are the middle box. And I think we're -- it's going to be a long and deliberative process for us to gather all this information.

And I want to thank all the participants, because it's made us better legislators for this information. And I think there's more to come.

I look forward to touring the plant and to speaking with more people about this issue. And I think, at the end of the day, we'll be better for it. And we'll do the right thing for the citizens of New Jersey.

So thank you, Mr. Chairman. (applause)

ASSEMBLYMAN McKEON: Thank you.

Assemblyman Gordon.

ASSEMBLYMAN GORDON: I'd also like to add my thanks to everyone who came here tonight. I've learned a lot. Your input will be very helpful to us as we continue our deliberations and decide what kind of message to send to our Federal colleagues.

However, we do need to recognize that, as a Legislature, we don't have all that much to say in the decision making about the licensing issue. But we do have a lot to say about the environmental impacts of a facility like this, and emergency planning. And I think we have a responsibility to the residents who live around these nuclear facilities, and also chemical plants and other facilities that may pose a risk to surrounding areas. We also have a responsibility to the people who work in these facilities, to make sure that there are good emergency plans and that they are safe.

And I was-- I'd like to suggest, respectfully, to this Committee that we consider continuing to hold hearings on -- focusing on the subject of environmental impact of these facilities, and emergency planning.

I brought along with me a report compiled last year by a consulting firm that was called into the state of New York by Governor Pataki, who felt that it was important to have an independent party come and take a look at emergency planning, specific evacuation plans, around the Indian Point and Millstone facilities in New York. And while I have a great deal of respect for the expertise of the State Police and others who have been involved in emergency planning at facilities at Oyster Creek, I think it doesn't hurt to have an outside

view, an independent set of eyes to look at the way emergency planning and evacuation planning is done.

I would like to recognize the gentleman from Washington who made the comment that sometimes evacuation doesn't make sense, and sheltering in place does. And, of course, to get that message to the public requires something more than a siren.

So I would like to suggest to my colleagues that we continue these hearings, perhaps in concert with our colleagues on the Committee on Homeland Security, to look at these issues. And if we do that, I look forward to hearing more of the useful testimony as we heard tonight.

Thank you all very much for coming tonight. (applause)

ASSEMBLYMAN McKEON: Thank you.

Vice Chairman.

ASSEMBLYMAN PANTER: Thank you, Mr. Chairman.

I just want to reflect what a few of my colleagues have already said, and a few brief comments. It really is appreciated, by this Committee, that so many folks took the time out of their evenings to come here and give us their guidance and input tonight.

I was asked-- When I got up briefly, I was asked by a member of the media if I had been swayed, as she put it, any way tonight to either, kind of, oppose or support the relicensing. And I thought that that was-- As I told her, I thought it was very premature to say that, because if there's anything that you realize in listening to this testimony today, from folks on all sides of the issue, it's that, as much information as we've gotten tonight, I think there's even more that is out there that we need to gather.

And as a legislator, it's a bit of a unique experience. When you get to Trenton, you're asked to deliberate upon so many different subject areas every day of every week, that you kind of struggle to become at least minimally proficient in each of them, so you can make the best reasoned judgement that you can. But I don't think anybody up here would profess that we're going to become nuclear physicists or experts in homeland security. But we can certainly focus on asking the right questions, certainly make sure that those who will ultimately be deciding this have our best and most reasoned views that we can offer. And I think we can focus on some facts that are beyond dispute. Because we did hear conflicting testimony tonight.

It's certainly important to note that Oyster Creek is the oldest operating facility in the country. I think it would be silly to think that that's irrelevant. But in the same sense, I don't think that that suggests that it -- necessarily that an accident is more likely. I think we've heard a lot from the company tonight about the investments that they've made. I think we have to take a serious look at the impact those investments have on the safety and security of the plant, and judge those fairly.

I think we also have to look at evacuation. And I know that a few folks have touched on that. Because I read quite a bit about Three Mile Island. And the interesting thing was, they had a very careful and very detailed evacuation plan put in order, which I'm sure, if any of us read it -- a binder like this (indicating) -- would sound very impressive and very effective. But it's an incident where, kind of, all hell breaks loose, quite frankly, when something actually does happen. And when they suggested that certain folks should evacuate after Three Mile Island, it would have equated to about 3,500 getting

out of the area. But, in effect, you had hundreds of thousands trying to leave in the hours after they found out something was wrong. And I think we have to take into account those kinds of intangibles, as well.

I just wanted to close by saying, it's equally beyond dispute that there are hundreds of workers whose families depend on Oyster Creek for their employment, who live in these communities and, I'm sure, would not do so if they thought that this was a risk, nor work at the plant if they thought their safety measures were not adequate. I think there were some very valid points made from the folks from organized labor, from the plant itself tonight, in that regard.

So the only thing that I'll say in closing is that this Committee -- I know my colleagues share this notion -- certainly pledge to you that we're going to gather all the information we can. We welcome as much input as you can give us in the weeks and months ahead. And I think that we're certainly not going to rush to judgement, but make sure it's a reasonable judgement that is fair to everyone and puts the safety of our families first and foremost.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

All right. It's my pleasure to give some concluding comments. And that will begin with thanks, of course, to many, starting with the State Police. Thank you for being here. Some of us will be driving very fast home tonight. Please be kind. (laughter) Mayor Scarpelli said he could get us to the edge of the munchkin city right with the Brick Police, but after that, the State Troopers -- it's their job to watch us. So thank you to all law enforcement and all members of the Brick family that were here to make it comfortable tonight.

And, Mayor, thank you to you for being the kind and gracious host that you were.

I also want to say thanks, real quickly, to Victor and Kate. They're over there. We've got Mike, and Becky, David, Carrie, Lucinda, and Thea. They're all true public servants. They don't have to be here. They are Democrats, they are Republicans, they are New Jerseyans who are here because they care. And I really appreciate your efforts. (applause)

I just have a couple substantive comments that I want to share with you. First and foremost, I hope that some of those that work at Oyster Creek didn't at all think that the Committee didn't believe that there were professional, trained, and committed individuals that were operating that facility. If anybody thought to the contrary, certainly the way you conducted yourself and the articulate way in which you presented things made that absolutely quite clear.

That having been said, as much as every job and every family is precious -- and taking the 500 families that are affected that are employees there, I think you would be the last to say that if there was -- if it was an unreasonable way to provide energy to the people of New Jersey, if it put people truly at risk, if there was a better way to do it, that your 500 jobs should be put in the pan and outweigh the interest of the whole. And I know you feel that in your heart. And as much as I would appreciate the consternation that goes with all of this process -- and believe me, we do -- just know we have the greatest respect for all of you and your professionalism. And I know you, too, have respect for what we're doing, wanting the right thing to happen for all 8.5

million people that live here. So know that's where we come from in all of this entire process.

There's some things that I need to learn even more.

Mike, like you said, someone asked me, "Were you swayed one way or the other?" I said, "No. I've got a lot more questions now."

I think it's really important, as we all like to use our blow-dryers, to know, for certain, that if there is an economic and a feasible way to replace the 9 percent of the energy that is provided to the region of New Jersey, and to the entire state-- I think we need the BPU to weigh in on that to help us better understand that. And as Chairperson, I'm going to invoke their professionalism and expertise to report to us.

I think, as Assemblyman Gordon mentioned, and everybody really, security is of paramount concern to all of us. I think that should be a hearing that we will have in Trenton. I'm going to speak to Joan Quigley -- I don't want to say cohort, or whatever -- but the Chairperson of the Homeland Security Committee. And I think we should have a joint hearing in Trenton, because that would be convenient, relative to the professionals we'd need to draw there, so we can flush out that issue which is very, very important to all of us.

I truly want to continue to hear from people from this region, and from the environmental professionals. And I know I would like to have at least one other hearing in the region, and I'd like to conduct that right in Lacey Township. I would think that's where the passions will be the most. And this Committee hasn't, and will never, shy away from going right where we should to hear what the majority of the people have to say. So, certainly, we'll have at least another hearing. And that will happen in Lacey. And I'm sure, as gracious

as Mayor Scarpelli is, the Mayor of Lacey will equally find a place for us and accommodate all the citizens of New Jersey.

So it's with that that I thank you all again, from the bottom of my heart. This was really very -- a wonderful discourse beginning on the issue. And you can rest assured that we'll all work very hard to carry through the wonderful burden we have, and responsibility that we asked for and are blessed with, and that is to represent the people of this state.

So, again, thank you, all. (applause)

**(MEETING CONCLUDED)**