

P U B L I C H E A R I N G
before
ASSEMBLY AGRICULTURE AND ENVIRONMENT COMMITTEE
on
A-966
(The Radiation Emergency Response Act)

Held:
April 8, 1980
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman H. Donald Stewart, Chairman
Assemblywoman Barbara W. McConnell, Vice Chairman
Assemblyman Raymond Lesniak
Assemblyman Donald J. Albanese
Assemblyman C. Louis Bassano
Assemblyman John O. Bennett

ALSO:

Norman Miller, Research Associate
Office of Legislative Services
Aide, Assembly Agriculture and Environment Committee

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ASSEMBLY, No. 966

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1980

By Assemblymen STEWART and HERMAN

Referred to Committee on Agriculture and Environment

AN ACT concerning the establishment of procedures for implementing protective action in the event of certain radiation accidents, requiring the preparation and implementation of a State Radiation Emergency Response Plan, providing for the assessment of certain electric utilities, providing penalties for violations, supplementing the "Radiation Protection Act," approved July 8, 1958 (P. L. 1958, c. 116, C. 26:2D-1 et seq.), and making an appropriation.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. This act shall be known and may be cited as "The Radiation
2 Accident Response Act."

1 2. The Legislature hereby finds and determines that the citizens
2 of the State of New Jersey are entitled to the maximum protection
3 possible from any and all threats to their health and welfare which
4 may result from a radiation accident at a nuclear facility or during
5 the transportation of radioactive material; that existing emergency
6 response capabilities to abate these threats are dispersed among
7 various State and local agencies and private organizations and
8 limited in geographic scope; and that the dangers posed by these
9 accidents can best be minimized by the development and imple-
10 mentation of a comprehensive and coherent response plan to co-
11 ordinate and guide all necessary and appropriate resources and
12 personnel into a unified course of action.

1 3. As used in this act:

2 a. "Department" means the Department of Environmental
3 Protection;

4 b. "Division" means the Division of State Police in the Depart-
5 ment of Law and Public Safety;

6 c. "Nuclear facility" means any facility which would pose a
7 threat to the health and welfare of the public in the event of a

8 radiation accident, including but not limited to, atomic fission or
9 fusion electric generating facilities, nuclear fuel fabrication plants,
10 nuclear fuel reprocessing plants, nuclear waste handling and
11 disposal facilities, and any other facility requiring a certificate of
12 handling pursuant to P. L. 1977, c. 233.

13 d. "Plan" means the State Radiation Emergency Response Plan
14 mandated by section 4 of this act;

15 e. "Radiation accident" means any occurrence or event during
16 the operation and maintenance of any nuclear facility or during
17 the transportation of radioactive material which results in the
18 release of unnecessary radiation.

1 4. The department and the division, after consultation with
2 the Departments of Health, Energy, and Transportation, shall,
3 within 18 months of the effective date of this act, jointly prepare
4 or cause to be prepared and adopt a State Radiation Emergency
5 Response Plan. The plan shall be based upon planning criteria,
6 objectives, requirements, responsibilities and concepts of operation
7 for the implementation of all necessary and appropriate protective
8 or remedial measures to be taken with respect to a radiation
9 accident, or threatened radiation accident, at a nuclear facility
10 or during the transportation of radioactive material, including but
11 not limited to, the designation of all counties and municipalities
12 which shall prepare radiation emergency response plans, the
13 establishment and implementation of appropriate training pro-
14 grams for all personnel who may be involved in any aspect of radi-
15 ation emergency planning and response, the development and
16 administration of a communications system to efficiently and effec-
17 tively discharge all responsibilities and duties in the event of a
18 radiation accident, the preparation of a public emergency response
19 plan for residents of the affected area, and a public emergency
20 notification and public information and educational program to
21 furnish all citizens who may be affected with information as they
22 may require to act safely and prudently. The plan shall be revised
23 and updated at least biannually; provided, however, that a thorough
24 revision and updating shall be undertaken and completed at least
25 6 months prior to the projected commencement of operations of any
26 new nuclear facility. The criteria, objectives, requirements, con-
27 cepts of operation, and designations shall be published by the
28 department and division within 3 months of the effective date of
29 this act.

1 5. Every municipality wherein is located one or more nuclear
2 facilities or which is designated as an affected municipality within
3 6 months of the adoption of the designation and in conformity

4 with the criteria and objectives, requirements, responsibilities, and
5 concepts of operation established, shall prepare and submit to the
6 county wherein it is located, a local radiation emergency response
7 plan. The local radiation emergency response plans shall be sub-
8 mitted through the county for approval by the division and the
9 department. The local plans shall be reviewed at least every 18
10 months and revised, subject to county approval.

1 6. Every county wherein is located one or more nuclear facilities
2 or which is designated as an affected county, shall, within 6 months
3 of the designation and in conformity with criteria and guidelines
4 established, prepare and submit to the department a county radi-
5 ation emergency response plan which coordinates and supplements
6 and, if necessary, replaces radiation emergency response plans of
7 municipalities within its jurisdiction. The county emergency re-
8 sponse plan shall, after initial approval, be updated at least every
9 18 months.

1 7. The department is authorized and directed to:

2 a. Carry out all duties and responsibilities established by any
3 memoranda of understanding between the department and the
4 division necessary or incident to the implementation of the plan;

5 b. Assess any danger attendant to a radiation accident, provide
6 immediate public health and safety and other technical guidance,
7 and coordinate on-site radiation emergency abatement procedures;

8 c. Provide public health and safety and other technical advice
9 and guidance as it may deem appropriate with respect to the
10 preparation and implementation of the plan;

11 d. Review, approve or modify, in cooperation with the division,
12 all radiation emergency response plans and procedures developed
13 or modified pursuant to this act;

14 e. Conduct, in cooperation with the division, public hearings
15 annually in each designated county to determine the adequacy and
16 effectiveness of the plan;

17 f. Direct, in cooperation with the division, the testing and evalua-
18 tion of all plans developed pursuant to this act upon their adoption,
19 and annually thereafter, to assure that all personnel with emer-
20 gency response duties and responsibilities effectively carry out
21 their assigned tasks.

1 8. The division is authorized and directed to:

2 a. Carry out all duties and responsibilities established by any
3 memoranda of understanding between the department and the
4 division necessary or incident to the implementation of the plan;

5 b. Exercise operational control during any threatened or actual
6 radiation emergency;

7 c. Review, approve or modify, in cooperation with the depart-
8 ment, all radiation emergency response plans and procedures de-
9 veloped or modified pursuant to this act;

10 d. Direct, in cooperation with the department, the testing and
11 evaluation of all emergency response plans developed pursuant to
12 this act upon their adoption, and annually thereafter, to assure that
13 all personnel with emergency response duties and responsibilities
14 effectively carry out their assigned tasks.

1 9. The Department of Health shall, within 1 year of the effec-
2 tive date of this act:

3 a. Complete and update annually a study of the public health
4 aspects of nuclear emergency response planning, which study shall
5 include, but not necessarily be limited to, an evaluation of existing
6 medical facilities and personnel to determine the State's present
7 capacity to respond to any radiation threat to public health; an
8 evaluation of the evacuation plans of hospitals and other health
9 care facilities and alternate sources of care for patients; and an
10 inventory of the standby plans, capacity, and distribution of all
11 prophylactic or preventive supplies and equipment deemed medi-
12 cally advisable for use. The results of the study, and any recom-
13 mendations, shall be submitted to the department and the division
14 for their use in preparing the plan;

15 b. Establish standards and criteria to identify those persons
16 at greatest health risk in the event of radiation exposure so that
17 they may be afforded maximum protection;

18 c. Develop a plan for medical services to evacuees enroute and
19 at the sites of temporary shelter, and submit such plan to the
20 department and the division for incorporation into the plan;

21 d. Develop and implement appropriate training programs for
22 emergency medical personnel, health facility managers, and health
23 officers;

24 e. Develop and implement, in cooperation with the division and
25 the department, public educational programs concerning the effects
26 and hazards of radiation.

1 10. The Department of Transportation shall, within 1 year of
2 the effective date of this act:

3 a. Complete a study evaluating all means of transportation serv-
4 ing affected counties and municipalities and, in conjunction with
5 the Department of Health, develop an inventory of emergency
6 transport vehicles;

7 b. Prepare and submit to the department and the division for
8 inclusion in the plan, and annually update, a radiation emergency
9 transportation plan, which plan shall include, but not be limited to,

10 the designation, construction, and maintenance of primary and
11 secondary routes to be used by radiation emergency response
12 personnel and the general public in the event of a radiation accident
13 or threatened radiation accident, and the development of traffic
14 management procedures sufficient to assure rapid access to and
15 from any affected county or municipality.

1 11. The Department of Energy shall, within 1 year of the effec-
2 tive date of this act:

3 a. Complete a study and evaluation of all existing emergency
4 energy supplies available to the State and accessible to affected
5 counties and municipalities in the event of a radiation accident or
6 threatened radiation accident, and;

7 b. Develop and submit to the department and the division, for
8 inclusion in the plan, and update annually, an emergency energy
9 supply plan to assure that any area affected by a radiation accident
10 or threatened radiation accident, will have access to sufficient
11 energy supplies to implement any emergency response plans or
12 procedures.

1 12. a. In order to defray the expenses of local, county and State
2 agencies in discharging their responsibilities under this act, in-
3 cluding those costs associated with the development, testing and
4 updating of the Emergency Radiation Response Plans and for the
5 acquisition and maintenance of any equipment necessary to carry
6 out their responsibilities, the State Treasurer shall annually make
7 an assessment against each electric utility which has an ownership
8 or operating interest in a nuclear facility located in New Jersey;

9 b. The assessment shall be equal to a percentage of the gross
10 operating revenue of the public utilities derived from intrastate
11 operations during the preceding calendar year at a rate to be de-
12 termined annually by the State Treasurer on or before June 30
13 in the following manner:

14 The total amount appropriated to the various local, county and
15 State agencies by law for the purpose of discharging their re-
16 sponsibilities under this act for the next fiscal year shall be divided
17 by the total amount of the gross operating revenues of all affected
18 electric utilities derived from intrastate operations during the
19 preceding calendar year. The quotient resulting shall constitute
20 the percentage rate of the assessment for the calendar year which
21 such computation is made. The total amount so assessed to any
22 particular utility shall not exceed $\frac{1}{10}$ of 1% of the gross operating
23 revenue subject to assessment hereunder of that utility derived
24 from its intrastate operations during the preceding calendar year.

25 The assessment prescribed above shall be levied by the State
26 Treasurer not later than July 1, and shall be paid within 30 days
27 after mailing by first class mail to the affected electric utility
28 notice thereof and a statement of the amount.

29 Each affected utility shall, on or before June 1, file with the State
30 Treasurer, under oath, an affidavit showing its gross operating
31 revenues derived from intrastate operations during the preceding
32 calendar year;

33 c. The assessments shall be appropriated through the regular
34 appropriation process in accordance with a joint budget to be
35 submitted by the division and the department.

1 13. Within 15 days after the date of mailing a statement as
2 provided in this act, the electric utility against which the statement
3 is rendered may file with the State Treasurer its objections thereto.
4 Not less than 30 nor more than 60 days after giving notice thereof
5 to the objecting utility, the State Treasurer shall hold a hearing
6 on the objections.

1 14. If, after the hearing, the State Treasurer finds that any part
2 of the charge against the objecting utility is excessive, erroneous,
3 or invalid, he shall transmit to the utility, by registered mail,
4 an amended statement in accordance with the findings, which shall
5 have the same force and effect as an original statement. If the
6 State Treasurer finds the entire statement invalid, he shall notify
7 the objecting utility, by registered mail, of the determination, and
8 the original statement shall be null and void. If the State Treasurer
9 finds that the statement as rendered is neither excessive, erroneous,
10 unlawful nor invalid, in whole or in part, he shall transmit notice
11 thereof to the objecting utility by registered mail.

1 15. No action or proceeding shall be maintained in any court
2 for the purpose of restraining or delaying the collection or payment
3 of a statement rendered in compliance with the provisions of this
4 act. A utility against which a statement is rendered shall pay the
5 amount thereof, and after the payment may, in the manner pro-
6 vided by this act, at any time within 2 years from the date of the
7 payment, bring against the State an action at law to recover the
8 amount paid, with legal interest thereon from the date of payment,
9 upon the ground that the assessment was excessive, erroneous, or
10 invalid in whole or in part.

1 16. If any affected electric utility, to which a statement for the
2 amount assessed against it as provided in this act has been ren-
3 dered, fails to pay the amount within 15 days, or fails to file with
4 the State Treasurer objections to the statement as provided
5 herein, the State Treasurer shall proceed to collect the amount

6 stated to be due, with legal interest, by seizure and sale of any
7 goods or chattels, including stocks, securities, bank accounts, evi-
8 dences of debt and accounts receivable belonging to the affected
9 electric utility anywhere within the State.

1 17. The department and the division are authorized in accordance
2 with the provisions of the "Administrative Procedure Act," P. L.
3 1968, c. 410 (C. 52:14B-1 et seq.), to jointly promulgate, adopt,
4 and enforce any rules and regulations necessary or appropriate
5 to carry out the purposes and intent of this act.

1 18. The department and the division shall have the authority
2 to enter and inspect any building or place for the purpose of
3 determining compliance or noncompliance with the provisions of
4 this act, any rules or regulations adopted pursuant thereto, or the
5 plan.

1 19. The existing State Radiation Emergency Plan, as contained
2 in the PIPAG Manual (Procedures for Implementing Protective
3 Action Guides), shall continue in full force and effect until all
4 energy response plans required by this act are adopted, after which
5 it shall expire.

1 20. If any section, part, phrase, or provision of this act or the
2 application thereof to any person be adjudged invalid by any court
3 of competent jurisdiction, the judgment shall be confined in its
4 operation to the section, part, phrase, provision, or application
5 directly involved in the controversy in which the judgment shall
6 have been rendered and it shall not affect or impair the validity
7 of the remainder of this act or the application thereof to other
8 persons.

1 21. Any person who violates this act or any rule, or regulation
2 promulgated pursuant hereto, including the State Radiation Emer-
3 gency Response Plan, shall be liable to a penalty of not more than
4 \$2,500.00 for each offense, to be collected by the department and
5 the division in a summary proceeding under "the penalty enforce-
6 ment law" (N. J. S. 2A:58-1 et seq.) or in any case before a
7 court of competent jurisdiction wherein injunctive relief is re-
8 quested. If the violation is of a continuing nature, each day during
9 which it continues shall constitute an additional, separate and
10 distinct offense. The department and the division are authorized
11 to compromise and settle any claim for penalty under this section
12 in an amount in their discretion as may appear appropriate in all
13 these circumstances.

1 22. In implementing the provisions of this act, the department
2 and the division shall seek the advice of the Governor's Advisory

3 Council for Emergency Services established pursuant to P. L. 1972,
4 c. 133.

1 23. a. There is appropriated from the General Fund the sum of
2 \$500,000.00 to the Department of Environmental Protection to
3 implement the provisions of this act.

4 b. There is appropriated from the General Fund the sum of
5 \$350,000.00 to the Department of Law and Public Safety, Division
6 of State Police, to implement the provisions of this act.

7 c. The appropriations made pursuant to this section shall be
8 repaid to the General Fund as soon as practicable from the assess-
9 ments made pursuant to section 12 of this act.

1 24. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to establish comprehensive plans and procedures for implementing protective action to abate any radiological threat to the health and welfare of the people of the State of New Jersey in the event of a radiation accident during the transportation of radioactive material or at a nuclear facility.

ASSEMBLYMAN H. DONALD STEWART (Chairman): This public hearing will be concerned with Assembly Bill 966, "The Radiation Emergency Response Act." As many of you are aware, I introduced a somewhat different version of this bill at the end of the last session, 1979. That was Assembly Bill 3508. We did have some public meetings at that time to discuss the bill. The Committee has changed since then. We have several new members. Starting on my right is Assemblyman John Bennett, and Assemblyman Donald J. Albanese. They are new members. To my left is Assemblywoman Mc Connell, who is Vice-Chairwoman of the Committee. She was on the Committee last session.

I think it is important to point out to you that the introduction of this bill should not cause any undue concern to many of you. New Jersey does have an emergency response plan on line now. The PIPAG plan has been approved for quite some time. I believe it was one of the first in the country to be approved. Although we are here today to talk about Assembly Bill 966, we want to make it very clear to you that we want your input; we want your constructive ideas as to how we can improve it. None of us who sit up here are experts on this subject, and I would hope today you would realize that we really hope we will have some amendments to make to the bill. We hope you will be able to point out things to us that we have overlooked, and that you would like to see covered. By no means is this legislation written in stone.

This morning we will have testimony of officials from Ocean County, and I believe that should take us up to at least noon. At that time we will break for lunch and come back at one o'clock to start off with the legislators and department heads that will be here. I assume we will have representatives of DEP, Transportation, Health, and the utility companies and the State Police. If anyone wants to add their name to the list, please contact Mr. Miller, and he will add your name to the list.

Rather than go into a prepared statement as to what the bill does, I think we will start right off with the officials from Ocean County. Our first witness is Mr. Art Brown, the Ocean County Sheriff, who has been here before.

A R T H U R F. B R O W N: I want to say good morning to the group. I appreciate being here, and as Mr. Stewart said, I have been here before. I was here back in November under the old bill. It appears that not too much in this bill has changed, although there is some new verbiage. I want it understood that I have nothing personally to gain by testifying here. I don't think that I need the aggravation. But, I feel that it is my duty as a citizen - not only as the Sheriff of the County - to be here.

I realize how the voice that is proverbially crying in the wilderness felt, and I think that the Committee would probably have the idea that I am bucking the bill per se. That is not entirely true. I want to just say that as Sheriff of Ocean County, and as a public official, I am certainly concerned for the safety and welfare of the public. I am likewise concerned as a citizen who has to deal with electric companies when I have to pay my bill. Surely A-966 takes the responsibility away from the taxpayers. It does not, however, alleviate the expenses to be borne by the public. It actually directly assesses every electric user. You might say this is a form of taxation without representation.

On page five of the bill, line 23, I note that the quotation to be paid the electric company is one-tenth of the gross operating revenue. I asked

the Committee how much this increase will increase the electric bills, not only mine, but those of every other citizen in Ocean County who uses electric and the rates of every other user who in most instances are taxpayers, to raise \$500,000 for use by the Department of Environmental Protection, and the \$350,000 to the Department of Law and Public Safety.

Incidentally, I note that is \$250,000 added to the bill since the last time I testified. At that time, under the old bill, it was only \$100,000 for Law and Public Safety, if my memory serves me correctly. That was in A-3508. Now, under the new bill it is \$250,000 more for the Department of Law and Public Safety.

My objections to A-966 are very similar to those stated on Tuesday, November 20, 1979, when I testified on the ramifications contained in A-3508. A-966 contains some new verbiage, as I said, but the same impact results if this bill passes as written.

Certainly A-966 has a lot of merit but it lacks the very important element of grass-roots control.

I realize on page two, lines 1 through 3, and page three, lines 4 through 10 and item number six, page three, lines 1 through 9, allows the county to do certain things, and I quote, "In conformity with criteria and guidelines established in A-966 prepare and submit to the Department of Environmental Protection a county radiation emergency response plan." As I stated last November and again reiterate my position, it gives too much control to a State agency, bordering on dictatorial powers. The creation of Big Brother in essence is a creation of a police state. Under the direction of the Attorney General, who by his own admission is already one of the most powerful AG's in the United States, and I don't think I have to say any more than that. You fellows who serve in the Assembly certainly know what the Attorney General has done in the past and what he can do.

As I originally stated in November, I am not totally opposed to the legislation per se. I am opposed to the implementation of the act around the concept of total State takeover. Ocean County already has an evacuation plan. It possibly may not be the best ever devised, but it is a good plan, probably more workable than what may eventually come out as a result of A-966, under total State domination at a proposed cost of \$850,000. This amount can surely buy a lot of services.

I would have to assume that under the Attorney General, the Department of Law and Public Safety will get a green light to buy property in Ocean County and design a building to house communications equipment for a control center. Certainly, this would be a duplication of services. Ocean County has already a working coordinated dispatch center with radio capabilities to coordinate police, fire, first-aid and/or EMS services throughout the county.

I would highly recommend that Assemblymen Stewart and Herman seriously consider instituting a feasibility study by an independent consultant in those affected counties to determine what existing services actually exist in the field that may adequately be adopted in a unified municipal county and state joint plan thereby considerably cutting the total anticipated expenditure of \$850,000 as listed in the bill.

I am very sorry that I didn't have a copy of this bill until 1800 hours last night. Mr. Miller explained his position. It was not his fault. I don't think he was apologizing. But, at the same time, I see where it was not his fault. Last week, apparently, the bill was sent in to the County Assemblyman and Senator, and somewhere, through a lack of communication, we, who have been interested in this, did not receive the copies until yesterday. Not receiving a copy, unfortunately, did not allow me to do proper research and to prepare a proper presentation. I hate to think that our State government was deliberately trying to keep Ocean County and the public in the dark. I said that before Mr. Miller had made his statement, but he certainly was not doing this, of course.

However, under the circumstances, I don't know what else to think. I wrote this up before Mr. Miller made his apology, I guess. If this bill is released from Committee, as it is presently constituted, I feel that a great public injustice will ultimately take place. I feel it is just another step by the State of New Jersey to ultimately eliminate local and county jurisdictions.

I do see a ray of light in the future when and if this comes to the floor for debate. Every Mayor, Councilman, or Committeeman, and Police Chief in the State will probably oppose passage, as will every Freeholder associated with each county on the ground that if it becomes law, local autonomy will be lost forever. I am sure the Freeholders would have been here if they had received notification. I know that the senior citizens of Ocean County would be opposed to it on the basis of the rate increase in their electric.

I respectfully urge that this bill be held in Committee until the Committee obtains a complete fiscal breakdown on each item of responsibility of each State agency involved in the bill such as the Department of Environmental Protection, the Department of Law and Public Safety, and so on. I also ask how much money will each agency be required to spend and for what - such as vehicles, radios, building plans, services, personnel, radiological detection devices and on and on, a lot of which we have in Ocean County presently.

I feel the public and municipal, county and state officials have a right to know before the fact and not after it. Again, I respectfully urge you, Mr. Stewart, and the other Assemblypersons, that this Committee hold this bill in abeyance until it can properly research it, or until it can be properly presented in a different form that would be acceptable to all of those of us that live and work in the county government system. Thank you for your time.

ASSEMBLYMAN STEWART: We would like to ask you a few questions, sir, if you don't mind staying here for a few more minutes.

SHERIFF BROWN: Certainly not.

ASSEMBLYMAN STEWART: I would assume that you know we are not voting on this bill today, and the reason we have you here is to listen to some of the suggestions you might have. To be perfectly honest with you, I didn't hear any positive suggestions. I heard a lot about what is wrong with this bill, but I was hoping that maybe you could tell us how you would change it, and how we could improve upon it.

For instance, how do you suggest we raise the funds? No one here has any loyalty to this formula. If you have a proposal, we would not mind hearing it. We are also open to any positive suggestions you have as to how

we can get this bill to pertain more to the grass roots that you talked about. We also are very concerned about the issue of home rule, so if you have some idea as to how we should implement that, I would be very happy to listen to that suggestion, or if someone else in your delegation here this morning can do that, that is what we are interested in.

SHERIFF BROWN: I understand what you are saying, and I appreciate what you are trying to do. I am not particularly down on this particular Committee. I feel that taxation without representation is a very important issue. Now, if we are going to raise funds, I think it should be done with the proper implementation and where the people at least have some representation as to where it is spent.

ASSEMBLYMAN STEWART: For instance.

SHERIFF BROWN: For instance, through regular taxes.

ASSEMBLYMAN STEWART: For instance. Regular taxes is a very broad statement.

SHERIFF BROWN: All right, you have an awful lot of money coming in from the gamblers. I assume they could stand a little bit of taxation in this area. I am not in love with the operation in Atlantic City, and I would love to see them assess every penny we could to obtain funds. But, the thing is, Assemblyman Stewart, the point is, there is so much money that is being spent. That is the important item. It is not going to be a one-shot deal. It is going to continue on and on. To cut this \$850,000 amount down, I think, is the proper method. And, the way it can be cut down is to - and I made the suggestion in my presentation - make an independent study to acquire some input as to what actual services are out there in the field so that you can scratch those from your fiscal items of payment flatly to the Department of Environmental Protection, or the Department of Law and Public Safety. Some of these services are going to be a duplication of service, such as communications, such as the police patrols that are already set up under the plan, such as evacuation using the firemen and the first-aid squads. If this bill passes, I am afraid we are not going to get the cooperation of the volunteer fire companies, and you are not going to get the cooperation of the first-aid squads. They are going to feel that as as long as this is being forced upon them, they don't have to---

ASSEMBLYMAN STEWART: What is being forced upon them that would cause that kind of reaction?

SHERIFF BROWN: The implementation of the bill around the Department of Law and Public Safety for a complete takeover.

ASSEMBLYMAN STEWART: Maybe we get inside this building, some of us, and maybe we can't see the problem. Give me some examples of what you see as being a problem.

SHERIFF BROWN: I can't give you any examples, because the bill is not explicit along the lines of fiscal impact. It does not spell out how much the Department of Law and Public Safety is going to spend for vehicles. It does not state what would be spent for communications.

ASSEMBLYMAN STEWART: What it does say, though, is that we are asking a town to draft an emergency response plan, and it will be funded with state funds, and they are then to submit that to their county, and their county is to try to mold it into a county-wide plan, taking into consideration the needs

of the municipality. I, for the life of me, cannot see why a volunteer first-aid person, volunteer fireman, or a volunteer policeman, which is what happens in a lot of small towns, who now has no funding, who now has no equipment, would be upset with that?

SHERIFF BROWN: Well, as I said, I did not get a copy of this until last night, and, really---

ASSEMBLYMAN STEWART: Maybe that is what you should have said, rather than say the things you have said. I am still trying to figure out why we are going to have this fireman mad at us.

SHERIFF BROWN: Well, it says here--- I can't find the correct page now, but there is something in there that says a fine will be imposed upon those who do not conform. Maybe I misunderstood the reading of it, but that is the way I interpret it.

ASSEMBLYMAN STEWART: What would there be that a local official would not want to do? You would not want to have a plan for it?

SHERIFF BROWN: We don't know, because it is not spelled out in the plan.

ASSEMBLYMAN STEWART: It says, "They must draw up an emergency evacuation plan."

SHERIFF BROWN: They must, yes.

ASSEMBLYMAN STEWART: Why would they not want to do that?

SHERIFF BROWN: In our case, we already have one, so why must we?

ASSEMBLYMAN STEWART: That is your case. The world does not end at the borders of Ocean County, neither does an emergency stop at the borders of Ocean County. We have had people sit right here in this room before this very Committee who live in Lacey Township and tell us they don't have the slightest idea what they would do if there was an emergency in their town. I just pulled a press clipping out from our last meeting. They didn't have the slightest idea, and yet you are sitting here telling us what a great plan you have.

SHERIFF BROWN: I didn't say it was great.

ASSEMBLYMAN STEWART: You have a good plan. We have a good plan in New Jersey, but it is not good enough, I don't think, and that is what we are here for today, to try and improve it. We are a lot better off than most states, but believe me, I think if we went out to some of the churches and schools around Ocean County and Salem County and asked them what they would do in the event of an emergency, 90% of them would not be able to tell us.

SHERIFF BROWN: I am sure under the public funds--- I am not asking that all these funds be allotted to Ocean County. I am asking for some of them. The bill doesn't say what is going to be allotted to Ocean County. Our plan can certainly be improved, if we did get some of these funds, whether they came from tax dollars, or whether they came from the results of revenue of the electric company - and I am opposed to that, personally.

ASSEMBLYMAN STEWART: You think it should come from the casinos.

SHERIFF BROWN: That is one of the answers. I am sure that the State Legislators have more insight as to where taxes can be raised than I do. I am not an expert in that particular field, but I am sure there is money out there that can be legitimately attained for a legitimate claim. I don't really

think this plan is necessary in the depth that it is designed. It is designed too deeply. It is designed with too much control. I am not saying we don't need a plan. I agree with what you are doing. We do need a plan, but we certainly don't need the controls that are imposed by this plan. We need cooperation; we need to work together.

ASSEMBLYMAN STEWART: Let me ask the other Committee members if they have any questions. Let me just make a suggestion. Since it was difficult getting a copy of the bill - I must agree with that - we are going to leave the record open for this hearing for at least another two weeks. What I would like you to do - and I will ask this of others who follow you - is, in the next two weeks, take a look at it and write up some positive suggestions as to how you would improve upon those sections of the bill, how you would minimize the State's influence and maximize local input, and let us take a look at it. That is what we want to hear.

SHERIFF BROWN: That is fair. I approve of that.

ASSEMBLYMAN STEWART: Does anyone have any further questions?

ASSEMBLYMAN BASSANO: You mentioned before that Ocean County did have a plan. Do you know how much that plan cost?

SHERIFF BROWN: I can't tell you that, because I didn't develop the plan.

ASSEMBLYMAN BASSANO: Does it cover the whole county or just the areas within which the facility exists?

SHERIFF BROWN: It covers, to my knowledge, the area where the nuclear facility exists, but I think there is a little expansion to speak of. It could cover the whole county.

ASSEMBLYMAN BASSANO: I know you were concerned about cost. You expressed your concern in your prepared statement, about additional cost to the county and the local governing body, but if you did take a look at the bill on page 5, section 12, you would find that the state is going to be picking up the major portion of the cost of this bill, so in effect it is going to be saving the counties and municipalities a lot of the cost of that type of planning. It is something that you ought to take into consideration on this legislation.

SHERIFF BROWN: You know, that is why I asked that the Committee do a study to find out how much equipment is actually there. You know, you have given a blanket figure of \$850,000. A lot of this is already there. The State Police have a lot of this equipment, the radiological equipment. I don't think we need to go into duplications. I don't think we should burden anybody with the statement, "Here is a green light; go out and buy, buy, buy." You know, we are in tight financial straits right now. I think it would be meritorious for each of you to find out what actually exists in the field, including what the State Police have, and they have a lot of equipment that I am sure could cut this figure of \$850,000 down. I am not trying to do the State Police out of anything that is rightfully theirs. I certainly need their cooperation, and I am sure they need ours. We do work closely together at times. How they work in other counties, I don't know, but I do feel that there is a lot out there that does not have to be duplicated, such as our communications system in Ocean County. It does not have to be duplicated, because it can be worked

into the plan, but the plan doesn't spell out what the benefits are, such as cooperation. It is not there. It is more dictatorial. Ocean County shall, or this county shall, or you will. I don't think that is what was really meant by this. I think it should be spelled out in a spirit of cooperation, and not just a State dictatorial takeover - this is what it is going to be, take it or leave it.

I will take your suggestion, Assemblyman Stewart, and I will try to get back with some constructive criticism.

ASSEMBLYWOMAN MC CONNELL: You have indicated to us that Ocean County does have an emergency preparedness plan. Can you tell me under what authority that plan was established?

SHERIFF BROWN: Yes, I can, under Civil Defense.

ASSEMBLYWOMAN MC CONNELL: How many years ago?

SHERIFF BROWN: To my knowledge it has been since 1967. But I can stand corrected on that. The Civil Defense Director is in the back, and he can fill you in on that.

ASSEMBLYWOMAN MC CONNELL: And you received federal funds for that purpose?

SHERIFF BROWN: I believe so, yes.

ASSEMBLYWOMAN MC CONNELL: Do you know within what radius this plan would serve, all of Ocean County?

SHERIFF BROWN: It would serve all of Ocean County. It could very easily be expanded to serve all of Ocean County, but the main impact of the plan right now is the impact area.

ASSEMBLYWOMAN MC CONNELL: Do you have any idea what it is costing you today to keep that plan in existence?

SHERIFF BROWN: It is not costing me in my particular budget anything, except if a catastrophe should happen; I have an attack team that could assist in helping with the evacuation, so, actually, it is not costing anything in my budget. You would have to ask the question of the Civil Defense Director, what it is costing him, and what it is costing the local municipality.

ASSEMBLYWOMAN MC CONNELL: I think there is some very basic background and information that should be brought out here today. I don't think it is Assemblyman Stewart's intention, nor this Committee's intention to take over locally or to dictate to local municipalities or counties. You must remember that in 1975 the Bureau of Radiation Protection drew up a nuclear emergency preparedness plan with the use of federal funds. But there are two problems with that plan. First, the plan is locally oriented, and secondly the plan has no statutory basis. The Nuclear Regulatory Commission has decided recently that states must come up with a plan that is based on statutory law. I think that is our basic intent here today.

I see nothing in this bill - although I do have problems with aspects of the bill - that says to you in Ocean County you cannot use your present communication system, your present transportation system, your volunteer services that you have. It gives local municipalities and counties the authority and the ability to draw up a plan and submit it in conjunction and cooperation with various state agencies. What we are trying to do is establish an emergency preparedness plan in this state based upon statutory law for the protection of the public at some future date.

SHERIFF BROWN: I agree with what you are saying. I do have some input. I can't reveal my source, because I don't want to embarrass anybody. The Department of Law and Public Safety has presently already planned on putting a communication center in the Tuckerton area. Now, if they do that using these funds, I think that is a duplication of services. I think we would be very happy to let them use our services. We could put a radio on their frequency. They could have a monitor on our frequency. We could have total communications. Colonel Kelly said - and this is going back before the present State Police Colonel - at the Newark riots that Ocean County was one of the few counties that could really cope with a riot situation. We had a riot situation once, and it was not as bad as Newark. Because when they went to Newark, they did not have the kind of communications center that they needed. I can see spending some money in certain areas, but we are only talking about two areas for this bill right now. We are only talking about Salem County and Ocean County. Hopefully, and I say this tongue in cheek, I hope we don't develop any new plants in the State of New Jersey along these lines.

So, I am saying I think there is a duplication of services in the making, and I think this is where the Committee should tread lightly and keep from spending money.

ASSEMBLYWOMAN MC CONNELL: I can assure you that to me, and certainly to the members of this Committee, finances are of utmost importance, but perhaps the existing services that you are talking about are areas that can be taken into consideration when municipalities and counties draw up their plan under the dictates of this bill. I am not sure it is an attempt to duplicate services myself.

SHERIFF BROWN: Well, if it was spelled out after the services were ascertained as to what they actually are, or where some of this money would go, I would feel a lot happier about it, and I would support this 100%. As I said before, I think the whole theory is good, but I think the approach is bad.

ASSEMBLYWOMAN MC CONNELL: Thank you.

ASSEMBLYMAN ALBANESE: I don't have a question, but I want to thank you for coming, Sheriff Brown. I would like to refer to one of your suggestions, or examples, that perhaps casino funds could be used. It seems that the casino funds are going to be a cure-all for the problems of the State of New Jersey. And, I think we are getting enough problems created by the casinos, per se, that I don't think we should be looking in that direction, plus the fact that by law, by constitution, the casino funds are dedicated for a specific purpose, for the senior citizens. There have been many attempts to tamper with those funds, but I do not think we should even look in that direction.

I see here that the bill calls for an assessment on the utility companies, which of course could very well be passed on to the utility users, but to call it taxation without representation, I don't quite understand the example.

SHERIFF BROWN: Once the utility companies give this assessment, and they are going to replace this money, this one-tenth of one percent of total revenue, they are not going to stand still and create this loss; they are going to go to the Public Utility Commission and put in for a rate increase again.

We just paid \$40 which has been added. How much can the public stand on getting these rate increases up? Whether it comes from taxes, or whether it comes from anywhere else, I am only pleading with the Committee to economize and coordinate. Let's coordinate on a unified plan. But, let's do it with the resources that we have and not create a new monstrosity where they are going to go out and just clean out the green pasture and start their own field.

ASSEMBLYMAN ALBANESE: Your contention is that this bill can be implemented without an appropriation?

SHERIFF BROWN: I didn't say that. I said it can be appropriated properly, but I think you should have a fiscal breakdown of where the money is going. You know, to give a green light to any agency, I think, is bad. I think the bill should spell out what should be spent. Let the Department of Law and Public Safety come up with a bill which says, do this, we need thus, thus and thus. And, in this way the Committee can say, "Well, I agree; yes, you do. Or, no, that is duplication of services; you don't need this and you don't need that."

ASSEMBLYMAN ALBANESE: Thank you.

ASSEMBLYMAN STEWART: Thank you. Just for the record, the Committee does have a letter that was sent to us during the hearings on TMI last year dated April 27 from Glen Paulson, then Assistant Commissioner, that does give us a breakdown well over \$500,000 listing, even as far as model numbers, some of the things that they felt were necessary to implement New Jersey's Nuclear Response capabilities, such things as monitoring systems, forward command posts, and some words that are beyond me, such as a Thermoluminescent Dosimetry System, and on and on. The list is three pages long and possibly we ought to make this a part of the record. They indicated this back in 1979. (See Appendix page 1X)

Our next witness is Mr. William Hayes, County Coordinator for Ocean County's Energy Management.

W I L L I A M H A Y E S: Assemblyman Stewart, my name is William Hayes. I am the Coordinator for the whole operation in the County of Ocean. I want to express my direct opposition to A-966 that was written by Assemblyman Stewart with relation to the certain radiation incidents. It is my view that the proposed bill appears to be another duplicate of efforts as established and outlined by the Federal Emergency Management Agency and the Nuclear Regulatory Commission. The criteria as outlined---

ASSEMBLYMAN STEWART: Can you please speak into the mike a little closer. The people in the back are indicating they can't hear very well.

MR. HAYES: Fine. The contents within the Federal Emergency Management Agency and the Nuclear Regulatory Commission criteria, designed to assist the agencies concerned with emergency response, and contained within the criteria, establishes every agency's procedure to formulate the requirements of nuclear facility planning in the event of an emergency. It is stated within the framework of Chapter 251, Public Laws 1942, Chapter 438, Public Laws 1943, and its amendments, the responsibility of planning in the event of a man-made or natural disaster is the responsibility of the State Director, County Coordinator, and the Municipal Director. These men are responsible for this planning operation which basically outlines a chain of command already established

and as a continuous criteria is established and their responsibility is to assure the safety, health and welfare of the residents. What is being violated by this act is the establishment of another agency within the State level as an overseer of emergency planning. And, it is contradictory to already established law. Undoubtedly, people fail to realize the number of volunteer man-hours that the directors on the municipal levels work in the formulation of a reasonable operational plan.

I relate to evacuation plans established for the Seaside Park peninsula, Long Beach Township, which each took in excess of 1,000 man-hours without any type of compensation. They are doing this not for what they are forced to do; they are doing this because they want to do it, and if the penalties which are outlined in the bill do force them to question it, who will you have to work with? That is the end of my statement.

I would like to answer a couple of questions, sir, with your permission.

ASSEMBLYMAN STEWART: I thought it would be better if we asked them first.

MR. HAYES: Well, these questions were asked of Mr. Brown.

ASSEMBLYMAN STEWART: Okay, you first.

MR. HAYES: In response to the chain of command, it is already outlined by the State of New Jersey Department of Civil Defense Disaster Control, a copy of which is available to you, and it states in this chain of command that the radiological sections are working under Colonel Pagano. My chain of command is established in myself and including radiological.

With reference to the funding, and I quote from the criteria of the Nuclear Regulatory Commission, "The Federal Emergency Management Agency expects to make significant contributions to assist in the development of State and local planning." That is to answer one of the other questions.

Are there any questions?

ASSEMBLYMAN BASSANO: The present plan that Ocean County is using, has it received any approval from any authority, or any body?

MR. HAYES: The plan which is written for Ocean County was based on the authorities of Chapter 438, Public Law 1942.

ASSEMBLYMAN BASSANO: Has the Nuclear Regulatory Commission, for example, approved your plan?

MR. HAYES: Yes, sir.

ASSEMBLYMAN BASSANO: They have approved the plan.

MR. HAYES: Our evacuation procedures have been placed with the State, Colonel Pagano's procedures have been placed with the State, and they have been approved for evacuation.

ASSEMBLYMAN BASSANO: Have they been approved by the NRC?

MR. HAYES: That I can't answer, sir. I know we have one of the few plans in the United States.

ASSEMBLYMAN BENNETT: The present plan that is existing now encompasses a radius dealing specifically with the Oyster Creek facility. In the event there was a problem there, what is the radius of miles that present evacuation plan calls for?

MR. HAYES: It works in three steps, sir, initial notification is two miles; evacuation planning area is five miles, and the total evacuation

emergency area is ten miles. The balance of our county, which extends out about twenty-two miles total, is our support agency.

ASSEMBLYMAN BENNETT: Has there been any communication with any of the neighboring counties, in particular the one immediately north of you, where I would assume some of these people would have to be moved?

MR. HAYES: Utilizing the criteria set up for Three Mile Island, we will be able to house most of our residents within our own county - especially the pregnant women and children. They are moved out to twenty miles, and there have been established areas in Jackson Township to accept the residents from the north and in the southern part in the Little Egg Harbor section. But, our planning continues. We have completed ten and now we are starting into the eleventh. The population estimates in this eleventh mile, now you are talking 62,000 people to add to the already multitude of problems we already have.

ASSEMBLYMAN STEWART: I am going to see if what I understand you to say is what you are saying. Are you saying to us that we don't need any legislation in the State of New Jersey, because the Federal Government is already doing it?

MR. HAYES: Yes, sir. And it is my operation. We are full-timers. We are not part-timers. This is our job every day of the week.

ASSEMBLYMAN STEWART: You are satisfied that the entire State of New Jersey is well taken care of by the Federal Government as far as nuclear evacuation is concerned. Everyone should go go bed tonight feeling there is nothing to worry about, everything is fine.

MR. HAYES: Under the leadership of Colonel Pagano, we have a very operational plan, yes.

ASSEMBLYMAN STEWART: You feel there is nothing we should be doing. We should not mess with it.

MR. HAYES: I would not mess with it, no, sir. We could improve it, yes; there are ways to improve it.

ASSEMBLYMAN STEWART: Are there towns in your county, Ocean County, that do not have the slightest idea what they would do in the event of a nuclear emergency.

MR. HAYES: Yes, sir, there are.

ASSEMBLYMAN STEWART: And yet you feel we should be doing nothing, because the Federal Government is doing it. That is what you said. Are they actually doing it now, or are they planning to do it?

MR. HAYES: This was already established in January, 1980.

ASSEMBLYMAN STEWART: But, is it being done?

MR. HAYES: It has been done in 90% of my county, yes, sir.

ASSEMBLYMAN STEWART: Maybe you didn't understand my question. Is there a town in the County of Ocean that would not have the slightest idea what to do if there were a nuclear emergency?

MR. HAYES: No, sir.

ASSEMBLYMAN STEWART: Well, you answered yes a minute ago.

MR. HAYES: What I was referring to was, there are towns that have volunteer municipal directors who, with a minimum of compensation, and I am

talking \$150 a year, with zero to work with budget-wise, dedicate thousands of hours---

ASSEMBLYMAN STEWART: You don't have to tell me about those people. In the county that I come from, that is the way it works there too, and I can look at ten towns surrounding a nuclear facility, and if they heard on the radio there was a nuclear evacuation going on, they would not have the slightest idea what to do. I can't believe somebody in your position would sit here and say this State is taken care of in that respect, especially if you are talking about five to ten miles around the plant. People in Philadelphia were in panic during the TMI incident, and that surely is more than five or ten miles away. They didn't know what to do, and we want to come up with some plan so that people other than those who live five and ten miles around the plant know what is going on. Obviously, Lower Alloway Creek in Salem County, and I assume the township that houses the nuclear facility in Ocean County, are well prepared. I have looked at the Lower Alloway Creek Plan, and it is efficient. It is good. But, the people who live across the street in the next township who don't have a paid fire department, either, who don't have paid police, either, who have volunteers just like you mentioned, they don't have anything, and they don't have the tax revenue to do it. That is what we are trying to do, help those people. Maybe Lacey Township and maybe Lower Alloway Creek doesn't need it, and maybe Ocean County doesn't need it. There are a lot of towns and counties, I think, that do need it. I am surprised that you don't agree with that.

MR. HAYES: I don't agree with that, because the federal system works through Colonel Pagano, and the monetary return for planning goes to the state level, particularly Colonel Pagano's operation.

ASSEMBLYMAN STEWART: We will have the State Police here this afternoon, so we will talk further with them about whether they agree with your assessment of it, and as I said earlier, we don't want to duplicate anything. If it is indicated to us that we are entering into a field that is already being sufficiently handled, great. I would be tickled to death if that is the case. Thank you.

Our third witness will be Mr. Joseph N. Maschuci, Radiological Officer, Ocean County Emergency Services. By the way, for those of you who are waiting, all the witnesses this morning will be just from Ocean County, and we will get to the second part of the hearing after the luncheon recess.

J O S E P H N. M A S C H U C I: Good morning, Assemblyman Stewart, members of the Committee. I would like to thank you first for inviting me to hear my comments today. What I would like to ask you to consider is the funding that is being requested for this package. I am of the opinion that the Federal Government should bear the cost of all the equipment that is being put forth, and the operation that would be necessary. I don't necessarily disagree with the fact that there is a definite need for improvement in the emergency preparedness area. Why I feel that the Federal Government should pay for such equipment is that the nuclear facilities are licensed by the Nuclear Regulatory Commission, not by the State. FEMA Reg.1, and new Reg. 0654 lay down certain requirements for the protection of the emergency zone around the nuclear facility. They in turn speak of billing the utility on a Federal level for the implementation of the equipment that would be necessary, and I believe their criteria states

that there has to be a fifteen-minute warning for an evacuation in a ten-mile zone or an area around the plant. Now, a nuclear facility, and the type we have in New Jersey, when they operate, service not only the State of New Jersey, but also the PMJ, which is the Pennsylvania, New Jersey, Maryland Power grid. If you tax, in my opinion, the utility, the utility in turn will request the Board of Public Utilities to grant them relief and then ultimately whatever taxation is placed upon the utility will be passed back to the consumer, and since the nuclear facilities benefit more than the State of New Jersey, I would suggest to you perhaps you could prod the Federal Government to pick up such cost that would be significant to both the State, County and Municipal Governments. I would like, if you would give me a clarification of one part of the bill, which I don't understand--- And, when I say I don't understand, I am talking about Section 21, page 7, where it refers to the fact that you could fine any person who violates the act or the rules. I don't know what you are referring to exactly by that. Can I ask you who you would fine?

ASSEMBLYMAN STEWART: My understanding was that this section dealt with the party who would be funding, the utility company. That was my understanding of it. I may be in error, and the way it is worded - and this is a point that has come out several times already, and it is good constructive criticism - it possibly could also apply to the Mayor of the town if he didn't comply. I don't know that that is what we are trying to do.

MR. MASCHUCI: I am not questioning the intent. I am just questioning---

ASSEMBLYMAN STEWART: I have sat on the local planning board many times and I can remember saying, "What are they going to do to us, put us in jail." And if the City Solicitor said, "No, but they are going to fine you \$2500." Everybody smiled and we complied. So, maybe that is why it is in there.

MR. MASCHUCI: If I may suggest it, maybe that can be made a little clearer. What I would fear is that a person who is going to act as a part of this plan might interpret that that if he acts other than the plan deems that he might be in violation, and since this seems to apply to the fact that they could confiscate something that was personal property in lieu of money, I would like that clarified, so that you don't turn away or defer any people who would volunteer for various organizations to help out with the implementation of the plan.

The cost, as I said, once again which would be borne in this bill by the State, I am of the opinion the money can be well used by all concerned, but I feel that it should actually be a federal responsibility since the utilities serve more than just the state, as far as a nuclear operation.

ASSEMBLYMAN STEWART: I guess through our own staff we can take a look at Section 21 and talk about it. Rather than throwing that back at you, we can try and clarify that. In our own minds, I think we all agree that we don't think that we are trying to do that. Somebody may be able to point instances out to us where they need some authority. Maybe you know the answer. As a Civil Defense person, when you are out there as a volunteer, and someone violates your order, do you have powers of arrest, and whatever?

MR. MASCHUCI: I am of the opinion that if you are not specifically designated a peace officer that you do not have the power to arrest.

ASSEMBLYMAN STEWART: I would like to ask Mr. Miller, by any chance

was this section meant to give some clout to the Civil Defense people who implement a certain portion of the plan, or was it primarily for the utilities?

MR. MILLER: The bill mandates that certain municipality and county agencies meet certain deadlines, and provide certain things, and meet certain standards, and it is simply a way of seeing that those things get done. I don't think it would be recklessly used to fine individuals who happen to be walking the wrong way on a street.

MR. MASCHUCI: Well, then, if I interpret what you are saying correctly, if I as an official of the county do not appear or am late, or whatever, I might be subject to a fine.

MR. MILLER: Yes.

ASSEMBLYMAN STEWART: It is a legitimate point. I am not familiar with some of the ways the State gets people to do things, other than the example I gave you of my own experience on the Planning Board. One of the things we will do some reasearch on is whether we use this system in our planning process. And, when we ask for master plans and things, how you go about making sure those things are done. I would think the fact that we are going to be using state funds to buy municipalities equipment and help them with things, the withholding of those funds alone might be, perhaps, incentive enough.

MR. MASCHUCI: I just ask you to consider the implication, because our agencies could not function without volunteers, and if those potential volunteers do not volunteer because they are afraid they will be penalized for acting incorrectly, we will not have a volunteer group.

MR. MILLER: Doesn't in fact the Radiation Protection Act have the same penalty provision? That is kind of a boilerplate penalty provision as an enforcement tool for a whole variety of statutes. I believe the Radiation Protection Act itself has the same provision. I will look into it.

ASSEMBLYMAN STEWART: Are there any further questions? If not, I thank you for coming.

I believe our next witness is the County Fire Marshall, Mr. Edward Parker.

E D W A R D A. P A R K E R: Good morning, my name is Edward A. Parker, Ocean County Fire Marshall. To reiterate, I also only received a copy of this plan this morning, and reviewed it in a brief period of time it took to get up here.

My concern generally, as mentioned prior, is the same as the others, in other words, the fire and first-aid police, and emergency services personnel that would be required to respond to a nuclear accident, not just the management which this bill seems to address itself to. As in the past, these people will still be called upon to respond to the accident prior to the environmental agencies or the State Police coming down and taking command after the first critical initial hours.

In response to a positive attitude, I would not find anything in the bill which you could generously refer to as giving equipment money to these agencies. The State of New Jersey, nor the Federal Government, has never given any money to the fire service of Ocean County to develop any of the current plans. And I might add that they are well protected. They handle hazardous materials. They respond to nuclear accidents, and in line with this, they have

not been contacted for any input to be generated from them into this plan or proposal, and they are very active in professional service as volunteers. At this point I would like to ask if there is any specific page, in case my bill does not have it, where this money will be funneled to the municipalities.

ASSEMBLYMAN STEWART: I believe that is page 5, section 12. By the way, when you say no one has input, that is what we are here today for, for the input. This is not the final version. We are here--- We keep hearing over and over that no one is having a say. That is like the preacher preaching in church about those who didn't attend to the congregation that is there. We are here to listen to your suggestions, and if you didn't have enough time to get the input of some of those groups, we will give you more time. We want to hear it.

MR. PARKER: I am sure this was not developed last night between six and this morning.

ASSEMBLYMAN STEWART: But the only way to get dialogue is to get something, get it out to you, and start. We are starting now. If it was late getting to you, that is our fault. But, that doesn't mean we are trying to hide it from you, or we wouldn't be sitting here.

MR. PARKER: I am not trying to start an argument. I just want to bring out some points.

ASSEMBLYMAN STEWART: Okay, go ahead.

MR. PARKER: I also would like to address the communications problem that seems to be an issue in this type of situation. The 4,000 volunteers in Ocean County - that is just fire service alone, not to mention the police, first-aid, and emergency service personnel - would not have any way of communicating to the administrative agencies being set up at quite a distance away. They could handle a local situation. It only involves two counties in New Jersey. These two counties definitely would be acting with the plans they have developed germane to their area, not a plan developed by someone in a different area. I have read the plan indicating that the volunteers do have the initiative and will be requested to develop a plan within six months. I think that is great, except for the fact that you are telling us to develop a plan in six months that you are going to adopt and modify and collect the money to implement, which we have been doing for nothing.

One of the other areas that I would like to address is the area of training and equipment. Naturally, there is specialized equipment required for the type of response or type of plan that you were talking about. The current state budget allows \$45,000 for a fire company to protect an entire municipality. They cannot be given another cent according to the New Jersey State Laws revised last year. The current cost of one fire truck without equipment is \$90,000 alone. I don't know what you would put a tax on manpower to develop a plan which should not just be developed by people who are not trained or have expertise in this area, and yet the rules and the guidelines set up by this Assembly Bill 966 require a six-month plan development time period. You might be able to give me six years to develop this, and I don't know, without the expertise and guidance and professional help at the local level, whether this could be done. They have in the past through the agencies outlined by the Civil Defense Director been able to follow guidelines set up by the Federal Government and by the Civil

Defense, now Emergency Management, guidelines and these programs do comply with federal regulations and seem to be effective.

The ultimate outcome of this is, I would like to know the results, when we are questioned as to how long Ocean County can be evacuated, and how quickly can you do this or that, does everyone know where to go and what to do, what will your plan do to evacuate a 12 or 13 mile island across one bridge? Are you going to put up another bridge? Or, are you going to put something on paper that is going to get thousands of cars off in the middle of the summer? I don't see any additional means that is going to expedite the evacuation area that can only have one means of egress. Furthermore, I contend that this is basically an administrative type of an agency, and the action will still be based upon people in Salem and Ocean Counties. I would like to see these areas and municipalities given such assistance to develop the plans that best meet their needs. That is all I have.

ASSEMBLYMAN STEWART: The one question you brought up was the same question I wanted to ask, and that is, how are these small towns going to be able to implement this plan in six months? I am interested to hear how that is going to work, too.

But, on the other hand, you talk about Ocean County being able to do all this for nothing over the years. On one hand you are telling us the small towns don't have the expertise, and on the other hand, you are implying that maybe we should not be funding this because in your case you have been able to do it with no funds at all.

How many towns are in Ocean County?

MR. PARKER: There are 33 municipalities.

ASSEMBLYMAN STEWART: Do all 33 of them have their own?

MR. PARKER: All 33 are developed under the County Civil Defense Director, Radiological Program, yes.

ASSEMBLYMAN STEWART: Do you also feel it is a very, very efficient plan, even though, obviously, everyone in the county doesn't know what to do in the event of an emergency? Are you satisfied that if there was an emergency in Ocean County today people all over the county would know what to do?

MR. PARKER: I don't feel that any plan--- I feel that every plan is subjected to improvement. What I am saying is, I feel that it is an insult to indicate that the plans that have been developed over the past years, which are the best efforts of the people involved, should be revised in six months with the money being funneled to an agency that is going to just approve them, as opposed to implementing.

ASSEMBLYMAN STEWART: Okay, you are saying, maybe we should be talking about some system which would - for lack of a better term - be grandfathering the towns that have plans right now, or some separate system of quickly checking those plans and saying, "These are okay; you don't have to do anything." Is that what you are saying?

MR. PARKER: No, that is not what I am saying. I feel it is a duplication of effort. That is what I am saying. I feel that the agencies have already been established and they can modify it, or they should be re-evaluated to find out if they are implementing what can be done---

What I am saying is, there is a network established for evaluating plans, and the framework has been in existence for years. Other than the enforcement powers which seem to be a little bit questionable as far as who is going to be fined, and whatever, and I think you are in the same category, you don't understand who is going to be fined, either. And, there is a question whether the initial actions of the emergency response people can be questioned, and can be subject to a fine.

ASSEMBLYMAN STEWART: I am getting the message that Ocean County feels they have a "hot-shot" plan---

MR. PARKER: I didn't say that.

ASSEMBLYMAN STEWART: I don't mean that with any disrespect. You have a first-class plan, let's put it that way.

MR. PARKER: I am not saying that either.

ASSEMBLYMAN STEWART: It certainly sounds like you are.

MR. PARKER: I am saying, why should we pay another \$850,000 for you to tell us to develop a plan, and then you okay it. That is what I am saying.

ASSEMBLYMAN STEWART: I don't think anyone is saying that, either. My point is, maybe we should go to Ocean County and talk to some people there at a public meeting and find out whether they all agree with you that they are so well protected, and that they know as much about your plan as you say they do. And, if they don't need us, fine. If that is the case---

MR. PARKER: If that is the case, then I would agree with you, but---

ASSEMBLYMAN STEWART: Maybe we should go into the surrounding counties, Monmouth and others that border it, and see if they also feel the same way, because in the event there is a problem, a steel curtain is not going to go up at the county line, and those other counties are going to be affected, too, so maybe --- I can speak for Salem. Salem County is not ready. Ocean County may be ready. I don't know it that well. I am getting educated today. Ocean County may be ready, but we don't think the rest of the State is ready, and that is who we are after.

If you are satisfied that everything is under control in Ocean County, maybe we can figure some way to solve that part.

MR. PARKER: If you remember, in my statement a few seconds ago, I indicated that I feel every plan can be revised, and I feel that some of the indications that are in this proposal are not apropos for Ocean County, as I outlined earlier, especially concerning the people who will have to be responsible for having the equipment, the training, the manpower, the development of the plan. I think they have more or less been excluded.

ASSEMBLYMAN STEWART: What I would ask you folks to do - because obviously you all rode in one car and compared notes coming up here, or you all have very serious problems with this bill - I would hope that you would put some of your thoughts in writing as to how you would change the bill to do what you want it to do. Maybe we have to tailor sections of it to affect Ocean and Salem Counties. If you can, give us some positive suggestions through your legislative delegation, or in writing to our Committee directly. We would be happy to try to implement your ideas. If we can do it without violating the spirit of the legislation, we would be very happy to.

MR. PARKER: Fine. I think that is our purpose in being here today. I am just sorry that we did not have sufficient time to prepare a speech, and we did compare notes. We are from the county that is affected.

The other thing is, your plan and your bill refers to plans that the state has already had, such as PIPAG. How many citizens in the State of New Jersey are familiar with that? How many people have you distributed that plan to?

ASSEMBLYMAN STEWART: That is true. Nobody knows about it.

MR. PARKER: That is a state plan, and this is one of the reasons why I feel more local input has to be brought into this. Thank you.

ASSEMBLYMAN STEWART: Thank you. I believe we have only one more witness from Ocean County. I think the Ocean County people are to be commended for your turnout today. We don't mean to be squabbling back and forth, but if the bottom line is that we come up with legislation that we all feel is in the best interest of the State and Ocean County, it will be a very productive meeting.

I believe our final witness of the morning is Lieutenant Thomas McGowan, Manchester Township, Civil Defense Director. I am sorry, there is one more witness after him.

T H O M A S M C G O W A N: I am Thomas Mc Gowan; I am a Lieutenant with the Manchester Township Police Force. My main reason in being here today is because I am also the Civil Defense Director for the Municipality in Manchester Township. My interest in being here, again, stemmed from a call I received last evening, and my main interest is, as a local director, understanding what is requested of me. As a Civil Defense Director, first of all, I will assume under page 7, line 21, I come under that. If I am in violation of that, I am in the position to be fined. I get paid \$300 a year to be a Civil Defense Director for Manchester Township. I don't think I can afford misunderstanding. It is difficult for me in a part-time position to follow county regulations. Now you are enlarging my scope to a point where the volunteer situation of my job again is being extended which would mean, the township now, I would understand, would have to come into something full time, extending, again, our expenses on the township level to comply with this bill.

I have no qualms in who handles it, as long as I can understand it, and as long as I understand what my responsibilities are. The way the bill is written here, I have a little difficulty with page 7, line 21. That was my main reason for being here.

ASSEMBLYMAN STEWART: Fine, the penalty provisions.

MR. MC GOWAN: Yes. This is the only thing I bring up as far as the State or the county or the Federal Government handling this. As long as I can understand it on my level, it is easy. But, when I find that the person running the plan doesn't understand my views, in other words, it is there, and I may not understand the plan as that person does, because when you move up to the State level, you can now afford a lawyer, and when you move up to the Federal level, maybe a legislator writes the law, and on the local level, I will have difficulty understanding the plan.

Maybe if more county or municipal input was put into the bill, that would make a difference. I would understand it a little bit better.

ASSEMBLYMAN STEWART: Having realized that you folks just received the bill last night, let me just review that section again. What the legislation says is, you in your local town have six months to draft your own emergency response plan, your own plan, in your words, in your own writing with your thoughts, with your input. You then submit that to the county who must look at it, and draw a county plan looking at all 33 towns, and all 33 plans of Ocean County. They must now sit down as your county representatives having input from all 33 of you, they are to draw a master plan for the County of Ocean. In turn, if everything goes the way it is supposed to go, that is supposed to be looked at by the authorities on the State level, and now all 21 counties are theoretically molded into a plan for the entire State.

I don't know that that is the perfect way to do it, but if that doesn't get local input, do you have any suggestion as to how we should do it on a local level? We are starting out with you in Manchester Township drawing a plan that you know; you know the roads; you know if you have a radio station that goes off the air at dusk; you know if you have a road that floods out, and is considered to be a major escape route - for lack of a better term. And, if it rains, that road floods out, and you know not to use it. That is local input. How would you change it? Or weren't you aware that was how it worked?

MR. MC GOWAN: No, sir, I was not. As I said, I received this this morning. As you said, I received it on the way up in the car. I was with the other gentlemen that were here, and the only input we had is what we read en route here this morning.

ASSEMBLYMAN STEWART: Maybe part of the mistake is my not going through parts of the bill in the beginning, because some of you did not have a chance to go through this whole bill.

But, if you do, on the trip back, if you have some suggestions as to how we can more efficiently get the local people drafting that plan, tell us about it. When I first came to Trenton nine years ago, I believed in home rule 100%. Every town should do what they want to do. After being here a while, you sort of see that those days are over. You can't just say, we are going to do it this way, and the heck with everybody else. I personally don't feel that the State of New Jersey, on the other hand, should be sitting there saying, "Do this; and do it my way." We want it to be done from the grass roots up, but it has to be coordinated somehow. You just can't have 561 different ideas of what is going to be done if something goes wrong.

Are there any questions?

ASSEMBLYWOMAN MC CONNELL: Yes, may I? Lieutenant Mc Gowan, you are the Civil Defense Director for one municipality in Ocean County.

MR. MC GOWAN: Yes, I am.

ASSEMBLYWOMAN MC CONNELL: You work in cooperation with other Civil Defense Directors in other municipalities in the county; is that correct?

MR. MC GOWAN: Right.

ASSEMBLYWOMAN MC CONNELL: Do you have a county Civil Defense Director?

MR. MC GOWAN: Yes.

ASSEMBLYWOMAN MC CONNELL: Can you tell me that you believe that Ocean County's Civil Defense plan is adequate and efficient?

MR. MC GOWAN: I believe it is efficient. I don't believe it is the

best plan we can come up with. This is why we are continually renewing the plan.

ASSEMBLYWOMAN MC CONNELL: In the event of a nuclear accident, would you know exactly what to do in your municipality?

MR. MC GOWAN: Would I?

ASSEMBLYWOMAN MC CONNELL: Would you, yes.

MR. MC GOWAN: Yes.

ASSEMBLYWOMAN MC CONNELL: You would.

MR. MC GOWAN: Yes.

ASSEMBLYWOMAN MC CONNELL: And you would know how to operate in cooperation with the other Civil Defense Directors in Ocean County, correct?

MR. MC GOWAN: In Ocean County, yes, I do.

ASSEMBLYWOMAN MC CONNELL: Do you have a county communications system in Ocean County?

MR. MC GOWAN: Yes, we have.

ASSEMBLYWOMAN MC CONNELL: You believe there is adequate fire and police protection, medical facilities, highway access, all of those plans are on paper, and you are knowledgeable about them; is that correct?

MR. MC GOWAN: I am in my location, yes, and surrounding areas.

ASSEMBLYWOMAN MC CONNELL: Do you believe the people of Ocean County are aware of that plan?

MR. MC GOWAN: No.

ASSEMBLYWOMAN MC CONNELL: You do not.

MR. MC GOWAN: No.

ASSEMBLYWOMAN MC CONNELL: In other words, they have absolutely no idea what to do in the event of a nuclear accident?

MR. MC GOWAN: None at this point.

ASSEMBLYWOMAN MC CONNELL: How would you get the word to them, through your county communications system?

MR. MC GOWAN: Our notification plan is set up so that they can be notified.

ASSEMBLYWOMAN MC CONNELL: By radio?

MR. MC GOWAN: By radio and public address systems, and by telephone. My system in my town is set up so that I can give notification out. The only ones that know this are the few people in my personnel, only because we are updating the plan. Until we have a completed plan, which it is not at this point, we have not given it out.

ASSEMBLYWOMAN MC CONNELL: So you do believe there is room for improvement of this plan with regard to Ocean County.

MR. MC GOWAN: Definitely.

ASSEMBLYWOMAN MC CONNELL: Your main concern with this bill is you feel that perhaps it usurps home rule, or what you are trying to already do in Ocean County.

MR. MC GOWAN: Yes.

ASSEMBLYWOMAN MC CONNELL: In other words, there is too much state control.

MR. MC GOWAN: Yes.

ASSEMBLYWOMAN MC CONNELL: You don't feel that what we are trying to do really is to develop a statewide plan with local input, with county input, if we work with all counties. I think that is the intent here. If we do anything today, perhaps it will be to give you a message to take back home. We want to know what you are doing, and we want to know whether it is adequate and whether it can be implemented and that would help us, because we have a responsibility to our entire State, not just one county. We are talking about a serious issue here, and I don't think you should be so defensive in Ocean County. Perhaps you should try and help us. If your plan is inadequate, perhaps this is a bill that would urge you or cause you to improve upon your plan.

MR. MC GOWAN: It is very possible. If that is the intent of the bill, I would agree with it. As I say, the short notice I had with the bill, and what I have read, put me in a little fear of my position, my local role, and this is why I am here today.

But we will look at it. I will personally read it.

ASSEMBLYWOMAN MC CONNELL: Can I ask you a personal question?

MR. MC GOWAN: Sure.

ASSEMBLYWOMAN MC CONNELL: Do you think there is some fear on the part of Civil Defense Directors that perhaps this bill would take away some of their authority, or they will have no authority under such a statewide plan?

MR. MC GOWAN: No, I don't believe that is the fear. I think the fear--- My fear is that my input into the plan, not that it would take my authority away, just that my input to the authority wouldn't be there.

ASSEMBLYMAN STEWART: Do you think that our staff assistant, Norman Miller, could receive a copy of your Ocean County emergency response plan, so that we can look at it?

MR. MC GOWAN: I am certain Mr. Hayes will forward one to you.

ASSEMBLYMAN STEWART: In my experience in the past, I have found that sometimes the common-sense approach that some of the smaller communities use is very enlightening.

Norman, I would also like you to request a copy of the Lower Alloway Creek Plan. They also have a very efficient plan. They have thought of a lot of things that maybe we have not thought about in this presentation today. Thank you very much.

As a point of information, according to a study that Rutgers University did and sent a copy to us, they indicate, in the survey they took, over 36% of the people in the area surrounding Three Mile Island still did not even know about the accident two days later. And, that is a lot of people. So, obviously, that communications system in that instance was not the greatest and it was one of the things we found out in our meeting last spring and summer. If New Jersey was going to learn from that incident over there, we had to do something to beef up our way of getting the word to the troops, to the people out there who should know about that.

The final member of the Ocean County group is Frank Johnson, Ocean Township Police Department.

F R A N K J O H N S O N: My name is Lieutenant Frank Johnson of the Ocean Township Police Department. First of all, I would like to enlighten you a

little bit. I heard about the Oyster Creek Plant being located in Lacey Township. Well, population-wise, Ocean Township is closer to the plant. Oyster Creek Plant is right on the border of Lacey Township and Ocean Township. Unfortunately, Ocean Township only gets \$4400 of tax revenue.

We get the majority of the problems. I only had a chance to review this in the back, because I drove up. So, if I am misquoting anything, please let me know.

On page 2, line 8,9, 10, concerning the transportation of radioactive materials, 99% of the radioactive materials come through my township, or the township I serve. There is no notification whatsoever of this means of travel, when it is coming through or anything else. We had an incident a few weeks ago with one of these containers, and naturally the local department was the first on the scene and was entailed to handle it, which is our department. I can't see a situation like this where it will be handled on the State level. It happened on the weekend. My people know the area, and they happen to know how to handle a situation like this. And, by the time you go through all kinds of red tape and things like that, we could have a problem. So, my contention is, if any monies are going to be expended, to first take care of the counties and municipalities where these problems exist. Worry about taking care of Ocean County and Ocean Township and Lacey Township, because you are not going to have to worry about evacuating Greenwood Lake if the Oyster Creek power plant has a problem.

Secondly, on page 2, with regard to the communications system, I have been on the Police Department of Ocean Township for twelve years, and in that time, the communications system has been continually updated, and in my estimation we have, if not the best, one of the better communications systems in the State.

We have breakdowns in different townships on their own bands, and yet there is one common communications system throughout the county.

On page 5, article 12, it says, "In order to defray the expenses . . ." and so forth and so on, what is going to happen is, the utility is going to be assessed. The utility you assess, the burden is passed on to the consumer, which is myself as a taxpayer, and everyone in my same situation. I am going to pay this through my utility bill. The township I work for is operating under a 5% cap, which utilities are now excluded from. The utilities are continually going up more than 5%. Utilities are eating up a lot of that 5% cap. Now, this is going to be passed on to the township. It is going to raise my property tax dollar. So, it is going to cost me more to operate my home. It is going to add on to my property taxes, so in essence, I am paying for this. And, so is my township. I am paying double through my property taxes, and to operate my home.

To defray expenses, I think the money can be found some place other than putting the burden on the people that already have a burden. We not only have to live with this, per se, problem, and evidently somebody thinks it is a problem, otherwise you wouldn't be coming up with plans. So, we have to live with this problem and we have to pay for it. But, we are paying for it already. Now, it costs my township a lot of money every time there

is a problem with that plant. I have to call an extra man for overtime, and things like that. There is traffic duty. I think we ought to start right on the county level with this funding to educate the people in Ocean County first. You could mail out fliers and things like that. That costs a great deal of money, to educate these people. Ocean County has a good evacuation plan for what we have. Now, if the State takes it over and says, "We need more roadway and this and that," who is going to defray the cost of this? I think it will be the taxpayer, and when you are working under a 5% cap, there is just no money to do it.

ASSEMBLYMAN STEWART: When you said you didn't read this bill, you were not kidding. We are really getting far-fetched. When you get a chance to read it, I think you will find that there is not much in it that even vaguely refers to doing any of the things that you mentioned in your presentation. We agree with you that the rate payer is going to be the one who has to pay that up to one-tenth of one percent, and maybe when the utilities talk to us this afternoon, we will ask them what that might do to the average utility bill across the State. I can't imagine, though, that \$800,000 divided by all the rate payers in the State of New Jersey could amount to very much. But, we will find out this afternoon, when we have those kind of experts here. I hope you people will be here to hear that, too, at that time, because we are concerned about that. We also are pursuing the idea of federal funding. There is some idea that the federal funds will come from the Federal Government to implement what we are doing. But, nothing in the bill says anything about the State saying to you, "You will build more roads from Long Beach Island, or you will build bridges." All we are saying is, let's come up with a plan, and let us know about it. Really, when I look at your town, I see a town Elsinboro Township in Salem County that is in the same boat. Right next door is the nuclear facility, but they don't have \$20 million in surplus, as does Lower Alloway Creek. They don't have any equipment to handle a problem that Lower Alloway Creek has. This legislation is going to help that town, and your town, because you are the one that needs the funds. You are the one that needs the monitors. You are the one that needs the emergency trucks and emergency equipment, buses, and so forth. You are the one that needs the detectors. If anybody is going to benefit from this, I would think it would be the communities immediately around the facility that do not house it, because they don't have the revenue, and as you said, you have all the headaches, and none of the gravy.

You are the kind of town that this idea is meant to help. I hope when you get a chance to really dig into the bill and get this fear of the State sitting there ready to grab up and tell you how to do everything out of your minds, I think you will agree you need help.

MR. JOHNSON: Well, it is my contention that we are moving along pretty good right now. We do have buses and emergency equipment that we do utilize.

ASSEMBLYMAN STEWART: How do you notify the people in the event of an emergency?

MR. JOHNSON: Through a siren, and---

ASSEMBLYMAN STEWART: Who blows the siren?

MR. JOHNSON: There is a station throughout the township, and there are different sirens throughout the township and the master control is in the police headquarters.

ASSEMBLYMAN STEWART: Do you feel that the people of Ocean Township have nothing at all to worry about as far as an emergency response plan is concerned? Do you feel that we are adequately taken care of right now?

MR. JOHNSON: I believe so. But you run into the same problem.

ASSEMBLYMAN STEWART: Do you think that your cohorts in other towns around the county could say the same thing?

MR. JOHNSON: I believe so.

ASSEMBLYMAN STEWART: All 33 towns?

MR. JOHNSON: Yes.

ASSEMBLYMAN STEWART: And the people know where to go if there is a problem?

MR. JOHNSON: They will be so directed where to go.

ASSEMBLYMAN STEWART: Just out of curiosity, where would they go?

MR. JOHNSON: It would depend. We are located on the Bay.

ASSEMBLYMAN STEWART: You don't have much choice. You are on the Ocean almost, aren't you?

MR. JOHNSON: Well, we would have to go to the south and to the west.

ASSEMBLYMAN STEWART: No Trenton Armory, or anything like that. It is just south and west? Do you go to some specific place? Is there like an armory somewhere?

MR. JOHNSON: No, my main function is to get them out of the township because the danger zone engulfs almost all of our township.

ASSEMBLYMAN STEWART: What we are trying to do is take care of them once they get out of your township. Where do they go from there? What we are trying to say is, maybe some of the towns right around the nuclear facility are ready, but the further away you get from that facility, our experience indicates that they are not ready and they don't have the slightest idea what in the world they would ever do if everyone from your township started coming down the road heading south or west. They don't have the slightest idea where they are supposed to go, and they are the ones we have to help.

MR. JOHNSON: You see, that is where the county will coordinate us. We do it on the local level and then the county oversees from there on.

ASSEMBLYMAN STEWART: Okay, are there any other questions? If not, we will take a break and come back to hear the Department of Environmental Protection.

ASSEMBLYMAN LESNIAK: What if they have to evacuate from the county, then what happens?

ASSEMBLYMAN STEWART: He wants to know where you would go if the entire county was to be told to evacuate. I don't know if you can answer that.

MR. JOHNSON: I can't answer that question.

MR. MILLER: Do you have any institutions within your boundaries, nursing homes, rehabilitation facilities, old people's homes, things like that?

MR. JOHNSON: No.

MR. MILLER: Have you identified people who are at special risk, pregnant women, children, handicapped people, those who would not be able to follow a radio directive?

MR. JOHNSON: We do have a very unique set up. It is called operation call up. Most of the senior citizens and disabled persons call in police headquarters every morning up until noontime. If they don't call in, we send a patrol over to check on them, and make sure they are feeling okay.

ASSEMBLYMAN STEWART: Did you say you had a sound truck, or was that the previous gentleman who said you went around with the sound truck?

MR. JOHNSON: Yes, we have one.

ASSEMBLYMAN STEWART: With your sound truck, how would you know whether or not the people are gone from the house. Do you have a system?

MR. JOHNSON: Well, I have been in evacuation before. Regardless of what you do, you are not going to get people to leave.

ASSEMBLYMAN STEWART: But do you have a system where those who have left can signal you that they have left?

MR. JOHNSON: No.

ASSEMBLYMAN STEWART: Just a thought. Lower Alloway Creek has a red medallion that they stick right on the front door. If that house has been evacuated, that is stuck on the front door. If that medallion is in place, the sound truck just keeps going. I don't know how efficient that is, but it is probably better than not knowing whether they have left, and having to knock on every door in the town.

Lou Bassano has a question.

ASSEMBLYMAN BASSANO: Lieutenant Johnson, in your opening statement you said that you recently had an incident in Ocean Township, and Ocean Township was not notified that material was being shipped through the township, and it caught you by surprise. Am I correct?

MR. JOHNSON: It is continually being shipped through, but we have no idea when the shipments are coming through. I would say 99% of the shipments of radioactive waste come through Ocean Township.

ASSEMBLYMAN BASSANO: There is no notification from the State that there is a shipment coming through by a certain trucker at a specific time, or approximate time along a certain route?

MR. JOHNSON: No.

ASSEMBLYMAN BASSANO: Under P.L. 1977, C-233, that information is available to the State, and the State does have that information. The shipper has to specify the time it is coming through and the name of the shipper, and the date and because of what you just said, I may just decide to print an amendment to that legislation requiring that information be sent to the local municipalities. It would seem to make sense, so that you know the material is being shipped through your community on a specific date, and during a specific time. I appreciate your making mention of that fact.

ASSEMBLYMAN STEWART: This is probably a very good example of why we think there should be some coordination among the communities as to what they are doing in the event of an emergency. This is a classic example of one hand not knowing what the other hand is doing, and unless we have somebody looking at the whole picture, we are never going to know what is going on in one town and what is going on in the other.

Believe me, that is not our intention. Our intention is only to come up with a uniform or coordinated emergency evacuation system for the State. It is not my intention - and I am sure it is not the Committee's intention - to set up a State bureaucracy that is going to run everything and tell you how to do it in your local towns. That is not our intention. If this bill is worded to do it that way, and no one has pointed to any specific language saying that is what this says, believe me, we will change it, because that is not what we are trying to do. We are trying to do what I started off by saying, and what I will finish off this morning's session by saying; we are trying to make sure that all the towns in the county have a plan that they drew up, that they had all the input on, that they have submitted to their county, and come up with a county plan also. In your county this may be very easy to do, because it sounds like you are pretty well down the road already. It may be simple. But, believe me, there are counties in the State that have not done a thing on this subject, and they are very, very close to the nuclear facilities. In Cumberland County, I know the Mayor of Vineland often says he can look out his office window and see the nuclear facility in Salem County, and yet they don't have any facilities for handling these emergencies in Cumberland County.

I didn't think there was anything in this bill which said, "If the State doesn't like your plan, they are going to tell you they must now hire people to do 'x', that you must now go out and build new roads, that you must go out and buy new trucks and pay for them." Nothing in this bill says any of those things. Anyone who is telling you it says that, I don't think, is doing the citizens of the State any service. If it can be construed to say any of those things, point out to us where you think it is, and we will get it out. But, that is not our intention. Thanks for attending the morning session. We will be back in one hour for the Assemblymen who want to testify and for the Commissioners of the various Departments.

(Whereupon a luncheon recess was taken.)

ASSEMBLYMAN STEWART: The public hearing on Assembly Bill 966 will reconvene. Our first witness will be George Tyler of the Department of Environmental Protection.

G E O R G E T Y L E R: Thank you, Mr. Chairman. My name is George Tyler, Director of the Division of Environmental Quality in DEP. I have several members of my staff here in case you have any questions. I would like to introduce them to the Committee. Beginning on the far left there is Frank Cosolito, who is the Assistant Chief of the Bureau of Radiation Protection; Jack Stanton, who is my Deputy Director in the Division; Mike Moratta, who is an attorney on the staff of the DEP; and Jim Ross, who is not present at the moment, who is the Division's Emergency Response Coordinator. He will be with us shortly.

The New Jersey Department of Environmental Protection, through its Bureau of Radiation Protection, regulates the use and handling of radioactive materials within the State of New Jersey. With the advent of two working nuclear electrical generating stations within our state and the potential for at least three more, the Department has been assigned a key role in the development and maintenance of a statewide radiation emergency response program.

Over the past decade, our Department and the Division of State Police have worked and are continuing to work long and hard on this plan. However, the relationship between our agency, State Police and its Emergency Services Bureau, the State's utilities, other New Jersey agencies, and county and local government, all of which are heavily involved in the planning process, have traditionally been negotiated and established by memoranda of understanding. Personnel and equipment needs have been identified and assessed, sometimes in accordance with established guidelines and sometimes by trial and error. The result of our efforts is a fairly efficient and comprehensive set of procedures and guidelines, delineating areas of responsibility and setting forth a course of action for response to peacetime nuclear accidents. Our program has withstood the rigors of both simulated and actual incidents and we are confident that it is among the best in the nation. Nevertheless, it is also a plan which can and must be continually improved upon. Thus, we welcome A-966.

On March 28, 1979, the nation's worst commercial reactor accident took place at Three Mile Island, near Harrisburg, Pennsylvania. As a contiguous state, with portions of our jurisdiction as close as 75 miles to the accident, New Jersey was fully involved.

An extensive environmental monitoring program was initiated and 40 to 50 additional direct radiation monitors were deployed. Ten to twenty milk and water samples were taken daily throughout the incident from key locations.

Most of our nuclear emergency and engineering staff worked around the clock, monitoring events at the reactor and assembling contingency plans, should a major catastrophe occur which might impact New Jersey.

The State Emergency Operations Center was activated and manned on a twenty-four hour a day basis and the Department, along with the State Police and other key State agencies, remained on full alert.

As a result of this Department's participation from the beginning of the incident to the end, it became apparent that additional resources were needed to increase our response capability. In short, we learned that we could respond quickly and effectively to a short-lived emergency but we have also recognized that a sustained response over many days or several weeks would severely tax our revenues.

Also, as a result of the TMI accident, the Federal Emergency Management Agency or "FEMA" was created which, along with the Nuclear Regulatory Commission, has now issued revised criteria for use in preparing and evaluating radiological plans and the emergency preparedness capabilities of nuclear utilities, state and local governments. FEMA has reviewed our state plans and associated local government plans and has identified a number of areas where, based on the TMI experience, a number of refinements and modifications are necessary.

If it is for these reasons that DEP fully supports Assembly bill 966 introduced by Assemblymen Stewart and Herman. Such a law would be an invaluable tool to enable us to implement all the changes necessary so that our response plans remain effective in the future. It will standardize the procedure by which the State will respond to a radiation emergency. It will codify the, perhaps, tenuous existing agreements and memoranda of understanding among the many different agencies and formalize the entire procedure into comprehensive and lasting legislation.

The Bill authorizes and directs the joint development of a State Radiation Emergency Plan by State Police and DEP and gives to each of these agencies the responsibilities associated with the plan's development and implementation that are consistent with each agency's purpose and function. The DEP will coordinate the development of that portion of the Plan dealing with radiological health and safety and will provide a Radiation Emergency Controller to provide technical expertise during the Plan's development and to evaluate the potential danger in any incident, provide necessary public health and technical guidance and coordinate necessary abatement procedures.

The New Jersey State Police will oversee and coordinate the ways and means by which these health and safety standards are actually carried out and will have the responsibility of most of the actual plan implementation which would involve the maintenance of order during potentially panic causing situations and the execution of emergency response operations.

Over the course of developing our present plan, the DEP and the State Police have always worked in total cooperation and we welcome this formalization of our relationship.

The bill will also clarify the roles which local government and other state agencies will play in plan development and implementation to prevent duplication of effort. At present, the benefit of the considerable expertise available to emergency response from these agencies is somewhat attenuated by the informal manner in which it must be tapped. The bill assigns specific tasks and duties to local government and the involved state agencies and generally establishes, in a clear and precise manner, the responsibilities of each in accordance with a time schedule. In this way, there is a system of accountability that has, heretofore, not existed.

Finally, but by no means of any less importance, the bill will provide a method by which funds will be made available for the development, maintenance and implementation of any radiation emergency response plan. The State will be empowered to make an annual assessment against each utility which owns or has an operating interest in a fixed nuclear facility located in New Jersey.

The assessment, which will be based upon a rate of up to 0.1% of the utility's gross operating revenue from intrastate activities, will be appropriated to the various local, county and state agencies on the basis of projected need. Additionally, startup funds will be appropriated to DEP and State Police to enable them to be fully prepared to respond to radiation emergencies.

Any assurance that our State can properly assess and deal with a radiation accident can come only from a gradual and tedious refinement of the plan through drills and exercises and by going through actual occurrences.

New Jersey conducts at least two such drills a year and the cost to the New Jersey DEP alone for each of these one day exercises is almost \$20,000. An additional \$20,000 is expended by other cooperating agencies. A recent NRC report, entitled "Beyond Defense in Depth", estimates costs to state and local governments on a per-site basis for developing, implementing and maintaining response plans and preparedness is about \$320,000. New Jersey has two such sites and could, at some future time, have as many as six. Moreover, with the inception of additional plan criteria by FEMA, additional costs to the State could be substantial.

With the increased and continuous source of revenue that A-966 will give us, we intend, among other things, to increase our nuclear engineering staff and radiation emergency planning staff. At present, we have only one engineer and no full time emergency planners to keep track of the activities of two nuclear reactors. The situation will be aggravated when the four additional reactors, either under construction or approved for construction, come on line and increase the possibility of a nuclear reactor incident in our densely populated state. I should point out to the Committee that in response to FEMA and NRC initiatives and as part of our own process to continually upgrade our nuclear emergency response plan, the present plan is now being substantially revised. This process will continue whether or not A-966 becomes law. The danger, however, is that without the formal relationships and the steady funding source that this law will provide, our efforts may someday fall short. We may not always be able to beg, borrow or steal the necessary resources to handle this intensely complicated planning operation as successfully as we do today. Hence, I see this proposal as an imperative issue to guarantee the state's capabilities to manage nuclear accidents over the long-term in a high quality fashion.

The Department wishes to congratulate Assemblymen Stewart and Herman and the members of this Committee for the efforts they are making to enable the State to be in the best possible posture to respond to a nuclear accident and we urge the speedy passage of A-966. My staff and I would be very happy to assist this Committee in any way we can.

We would be very happy to respond to any questions that you may have at this point and I would like to express my appreciation for the opportunity to testify today.

ASSEMBLYMAN STEWART: George, this morning, I guess, one of the over-riding criticisms that we heard from the Ocean County delegation was that what we are doing is a duplication, that it wasn't necessary, that Ocean County in particular was doing this already, and secondly, I think we had one individual that implied that the FEMA plan already does everything that we're going to do in this plan. Do you want to respond to that?

MR. TYLER: Well, as I mentioned in my testimony, whether or not this bill passes, we're going to do our best, somehow, to have an adequate emergency response plan. On the other hand, what I see as the key issue is that we're dealing with this thing on an almost voluntary catch-as-catch-can basis and that is not a good way to deal with what I consider to be one of government's highest priorities. The formalization of the process and the steady funding source are absolutely imperative. We may not always have the same cooperative spirit we have now between state and local governments and they, sometimes, are very tenuous relationships or between various state agencies and it is critical, from my personal point of view, to formalize this structure and to make sure that it continues in the future. We've done as much as we can thus far. I see lots of room for improvement in the plans, as they presently exist and we are

resource limited at this time. So, I think, for all those reasons, you are right, we are going ahead with the planning process, as we are duty bound to do. We would be irresponsible if we didn't. On the other hand, if we're going to be successful and we're going to make sure we have the best quality emergency response plan and the resources available to implement it, we have to have a formal structure to build a plan around and to fund its implementation.

MR. MILLER: This morning, there were several comments made to the effect that the penalty provision, Section 21 bill, may tend to discourage the voluntary participation of all kinds of people who would be afraid of inadvertently or in one way or another violating a provision of the bill or some regulation pursuant to it and that person would be subject to a heavy penalty and since so much of the nuclear response personnel is voluntary, they felt that that penalty provision would jeopardize participation.

MR. TYLER: I think, first, I should say that that language is almost boilerplate language for any legislation where regulatory authority is granted. In the course of adopting any regulation, any individual or agency or corporation affected would have a right to be heard and make their views known. Lastly, I never envisioned nor anyone in the Department never envisioned a fine against the volunteer for non-performance. We depend on that kind of cooperative spirit to really get the job done. We can legislate so far and regulate so far, but it is really the people, in the end, that make it happen. I assure you, the implementing authority that I am granted under this bill will never be used to penalize a local volunteer who, for some reason, isn't available on a given day. That's not the intent at all.

ASSEMBLYMAN STEWART: Can we go back and talk about how you imagine or how you picture a plan to have some of the smaller communities across the State? Let's take either Ocean County or Salem County, who are going to be expected now to draw a plan. Can you go through that with us, how you envision that happening? Are they going to have to go out and hire planners? How do you envision that, at this point?

MR. TYLER: Well, first of all, I have to say, even a year ago, for example, there was an existing plan. It is now being substantially revised. So, the first thing that has to be put in perspective is that the things that will have to be done is to fill the cracks in and supplement what is already done. Because of the time frame under the NRC and FEMA rules, we are moving very fast right now. On the other hand, that is today's crisis and as the government goes, that may subside in the future and we need a permanent system continually upgrading and as people move and things change, more information is needed and you have to gather the information again that you did the year before because the facts change. So, I would say that their role, as detailed under the law and under the guidelines that the State Police and the DEP have to promulgate, would be to gather the essential information that is necessary to formulate the plan with a view toward what is on paper already. So, I don't envision any massive undertaking. We're into the maintenance part of it already. This is what I am saying.

ASSEMBLYMAN STEWART: What I am trying to say is that when we meet with local officials, they sit there with blank stares and say, "You tell me I'm supposed to do this, but what do I do? How do I draw a plan?" Is there going to be a guideline? Are there certain questions that you are going to want answered?

MR. TYLER: That's right. The details of the guidance that are available now are available through the State Police Emergency Services Bureau. I know they are going to testify later and give a little inventory of what kind of information they

need and what kind of facts have to be gathered to prepare an adequate plan. In addition, the bill provides that the cost of the planning process, be it at the state or the local level, can be assessed through the taxing mechanism that the bill proposes and it also further provides that there be a joint budget prepared by the Division of State Police and DEP and submitted to the Treasurer on an annual basis. I would think under the combined sections, it would be incumbent upon those State agencies, therefore, to assess, through the local governments, their costs associated with the development of the plan and then provide for that in the budget through State aid or some other standard appropriation technique.

ASSEMBLYMAN STEWART: Do you think this State, as a whole, is prepared, now, if we have a good emergency response plan?

MR. TYLER: I think we do. I think we are ready to react at the State level and I am hopeful that we are ready to react at the local level in the manner which would mitigate any harm from from a nuclear accident. But, it is one of the few things I have seen in government where, within a very short period of time, all of the right people are assembled and are making the judgements that they have to make in order to protect the public health and safety. But, nothing is perfect and something could always go wrong. So, I cannot certainly say that there is a guarantee that everything is going to go right. We are in good shape, but it could be better. I guess that is how I would sum it up.

ASSEMBLYMAN STEWART: If we had rates, are we a one or a ten?

MR. TYLER: Well, I'll tell you that last year a delegation of officials from Japan, where they have an extensive concern, obviously, over nuclear energy and an extensive reliance on nuclear energy today, came over to the United States to examine the TMI situation and they had some discussions with federal officials and some cursory reviews of various state plans and then they chose to come to New Jersey to find out how we do it because of our national reputation. I'm not holding up our plan as a paragon of virtue that everybody should emulate, but on the other hand, that was their independent kind of judgement as to what they wanted to hear in terms of emergency response plans. It is also the second plan in the nation concurred with by the Nuclear Regulatory Commission.

ASSEMBLYMAN STEWART: The objection we seemed to hear this time last year in the Fall, when we held the hearing on the '79 version of this bill, was that New Jersey had a good plan and most of the Civil Defense people knew that it was a good plan, but the man on the street didn't know it existed and if there were indeed a problem, he would not have the slightest idea what to do.

MR. TYLER: I think that is what I was trying to allude to in terms of what I was talking about, a continuing need to refine the plans and to go out and educate the public. For example, we've had countless meetings and hearings in the vicinity of the Salem reactors, for example. Yet, there is always someone that has just moved into the area and is new or who has been there and is just not aware of it. So, you just have to keep going back and keep doing the educational process over and over again. So, whatever we do today, it can never be said to be sufficient for a long-term.

ASSEMBLYMAN BASSANO: I just wanted to ask one other question. I wasn't sure whether I heard correctly that our present plan has been approved by the NRC.

MR. TYLER: Well, they don't call it approval. They have concurred with it. They are very oblique about it. I don't know why. I would very content if they said approved or disapproved.

ASSEMBLYMAN BASSANO: It has been presented to them and it has not come back negative?

MR. TYLER: No. It came back positive. As I said, it was the second in the nation. Now, I have to condition what I said on the fact that all the plans of all the states are now under review by the Federal Emergency Management Agency. They have developed new criteria which are, in part, different from the things which we had on the books already and they have come to us as recently as early this month or late last month and said, "These are the things you must do by June 15 to maintain that approval or concurrence or whatever." We are working very diligently to upgrade the plan to meet that right now. In fact, even more extensive work is underway by the State Police now.

ASSEMBLYMAN BASSANO: Do they continuously ask the State to revise its plans as they set down the different criteria?

MR. TYLER: That was not the practice in the past. In the past, nuclear emergency response planning was practically delegated to the states and ignored at the federal level. As a result of TMI, there is an obvious traumatic increase in interest on their part and through their licensing power over the utilities, the NRC has evidenced an intent to continually review and upgrade plans and that is FEMA's purpose. So, we can expect that from their institution also.

ASSEMBLYMAN BASSANO: I have one other question that came up this morning. During testimony from Lt. Frank Johnson from the Ocean Township Police Department, he stated that they are not notified when the shipments of radioactive waste materials are going through their community. I'm wondering whether the Department has any intentions in the future of notifying the communities when shipments of materials will be taken through their community.

MR. TYLER: Yes. In fact, pursuant to a bill you sponsored at the end of 1978, I believe, the Department is about to adopt regulations. They will be adopted on April 15, 1980 and those rules provide for contact to local governments by shippers. Right now, we are operating under the law on a set of interim guidelines, which are not well enforced and are informal, at best. I expect the enforcement process to evolve very quickly after the rules are adopted. Shippers of most types of radioactive material--you have to kind of separate what kind you are talking about, for example, radio-pharmaceuticals or radiograph equipment--will have the responsibility, under the rules, of making appropriate notifications. On the other hand, high level waste materials, spent fuel, which to my understanding is not being shipped at this point, the State Police or the DEP, I'm not quite sure who has that responsibility, but under those rules will make the notifications well in advance of any shipments.

ASSEMBLYMAN BASSANO: Do you know who they'll be notifying, the police departments or who?

MR. TYLER: I believe our agreement calls for notification through the State Police to the police departments, either county or municipal, as is appropriate.

ASSEMBLYMAN BASSANO: Therefore, Lt. Johnson can be assured that they will be getting notification?

MR. TYLER: Well, if it is a spent fuel shipment, for sure. If it is a radio-pharmaceutical, probably not. There are thousands of those a year and it is just not worth his time to do that.

ASSEMBLYMAN BASSANO: Thank you.

ASSEMBLYWOMAN McCONNELL: Mr. Tyler, I would like to ask you a couple of questions. Under the present emergency preparedness plan that we have in the State

of New Jersey and also under the terms of the legislation that is before us, are we talking about plans in all 21 counties?

MR. TYLER: No, not necessarily. We're talking about plans in the two counties that have nuclear reactors and the counties that are affected by it. We have to make that judgement call on a ten mile radius basis, under the FEMA rules. That is an extensive planning requirement. There may be support functions such as evacuation centers, etc., which will call on other counties to do other things and that will be factored in, but it should not affect all 21 counties, except that there may be some peripheral or modest requirement that each county be aware of certain things of or have an emergency response person who can respond if affected, something like that?

ASSEMBLYWOMAN McCONNELL: That's the answer I wanted to follow. Under the terms of this bill, we do not require all 21 counties and each individual municipality to prepare a plan, but rather, they may be affected through some peripheral kind of program. For instance, if you wanted to evacuate from Ocean County up to, say, Hunterdon County, the other counties would be part of the overall State program.

MR. TYLER: That's right.

ASSEMBLYWOMAN McCONNELL: Could you explain to me and perhaps to the rest of the members of the Committee what the chain of command is, under the present plan, briefly, how it works? Assume that there was a nuclear accident at one of our nuclear plants, who is there that would notify whom and how does that work?

MR. TYLER: The first step in the notification is the utility's assessment that may or may not lead to off-site radiological consequence. Our memorandum or our understanding with them requires that if they determine it will, they would notify us within 20 minutes of the incident.

ASSEMBLYWOMAN McCONNELL: Who is "us"?

MR. TYLER: The State Police 24 hour service

ASSEMBLYWOMAN McCONNELL: They would notify the State Police first, not you, the DEP.

MR. TYLER: No. The State Police notifies us and we have our engineering staff called back to the reactor, one to verify the accident.

ASSEMBLYWOMAN McCONNELL: The State Police calls DEP?

MR. TYLER: Yes.

ASSEMBLYWOMAN McCONNELL: And you have a nuclear engineer?

MR. TYLER: Yes.

ASSEMBLYWOMAN McCONNELL: And, that is the person that they call?

MR. TYLER: We have one nuclear engineer and about seven trained people who are ready to act as a state emergency controller in an accident. One of those seven is on call 24 hours a day all the time and whoever is on call that particular day would get the first call and begin to marshal the other resources.

ASSEMBLYWOMAN McCONNELL: Then, DEP calls back to the utility?

MR. TYLER: Yes, to get the details of what is going on so that we can begin to make a technical judgement as to what remedial action might be necessary. At the same time, monitoring teams, emergency workers, State policemen, etc., are on their way to the site to--

ASSEMBLYWOMAN McCONNELL: Okay, let me interrupt you for a minute. In the meantime, while DEP is calling back the reactor, what are the State Police doing?

MR. TYLER: Well, from the communications end, there is an extensive chain

of persons that they contact through the Emergency Services Bureau. I can provide you with that. I don't have that committed to memory, but it is down through the county civil defense people to the local people. Utilities, in response to requests from local government, will probably also be contacting the immediate municipalities where the reactors are directly. I know they do that in Lower Alloway's Creek. I think they do it at Oyster Creek. That is done in addition to the call to the State Police and our call in terms of the county.

ASSEMBLYWOMAN McCONNELL: Okay. In your judgement, how long does all of this take?

MR. TYLER: The callout list, the entire callout list, I think it is about twenty minutes from the time we get the first call to the time the last call is made.

ASSEMBLYWOMAN McCONNELL: That's infinitely better than they did in Pennsylvania.

MR. TYLER: Well, yes and no. I think so at this point, but on the other hand, it is still dependent on a judgement call by the utility and that was the major delay at Three Mile Island. I don't know how long it took once they did call in the State.

ASSEMBLYWOMAN McCONNELL: Under your present plan, have you identified all existing personnel and equipment that you need for an emergency?

MR. TYLER: From a state level, I can say, yes. I'm fairly confident that it is in there from the local level also. I think it varies, probably, from municipality to municipality how much information we have. Perhaps the State Police could shed some light on that.

ASSEMBLYWOMAN McCONNELL: This is one thing that you would hope to accomplish under the terms of this bill or a more refined kind of program, a better identification of personnel and equipment?

MR. TYLER: The key actors have all been defined, the chiefs of police or the chiefs of fire departments, the county civil defense people, things like that. But, there may be some that are not yet fully identified.

ASSEMBLYWOMAN McCONNELL: I have just a couple more questions, if I may, pertaining to financing for this program. What do you envision it would cost your Department, under the terms of this bill?

MR. TYLER: We have talked in terms of the initial cost of hardware and personnel, approximately \$500,000.

ASSEMBLYWOMAN McCONNELL: For the first year?

MR. TYLER: Yes. That's somewhat refined and it may be somewhat less.

ASSEMBLYWOMAN McCONNELL: And how much for each succeeding year?

MR. TYLER: Certainly, the cost of maintaining the personnel and some of the equipment, but far less on an annual basis.

ASSEMBLYWOMAN McCONNELL: Okay. When you talk about equipment, you can enlighten my ignorance here, but I seem to recall that things like monitors that detect the quality of the air and the quality of milk and those kinds of things. What is the life of this equipment? Do we have to replace these things every five years or every ten years or what?

MR. TYLER: Okay. The first question, I think you have to separate that. The ambient monitoring system that we are proposing is a continuous operated, 24 hour a day basis, air monitoring system that would surround both areas of the State where nuclear reactors are located. They would telemeter data over telephone lines to Trenton to our computer which is already there--it's part of our air pollution program. So, you don't have that hardware cost. All we are talking about is the telephone lines and,

of course, that will be part of the maintenance cost and the installation of the equipment initially. The total bill for the initial program that we envision--and I should tell you that I think it should be expanded beyond that in future years--will be approximately \$290,000 for hardware. Now let me defer for a second. Jim, do you know--

ASSEMBLYWOMAN McCONNELL: Excuse me. The \$290,000 is that part of the \$500,000 that you mentioned?

MR. TYLER: Yes, it is. As far as a quote on the useful life of the equipment, it is guaranteed for ten years. Our air pollution monitors are doing a lot better in terms of life span.

ASSEMBLYWOMAN McCONNELL: Okay. Ocean County testified this morning that they had most of the equipment that was necessary. They testified to us that they had a very efficient program and that their equipment was adequate. Could you comment upon that? Are you familiar with Ocean County's emergency system?

MR. TYLER: Yes, somewhat.

ASSEMBLYWOMAN McCONNELL: Do you agree or disagree with that?

MR. TYLER: Well, no one in the State has the kind of monitoring equipment that we want to buy now.

ASSEMBLYWOMAN McCONNELL: You don't expect these municipalities to buy this equipment?

MR. TYLER: No, I don't.

ASSEMBLYWOMAN McCONNELL: This is a state responsibility.

MR. TYLER: I'm just stating that no one has that kind of equipment now. I think that for me to say that we have an adequate capability to respond quickly and then monitor an event during its occurrence, we have to have that stuff on line. So, no one has that right now. In addition, the last information I have on the equipment that Ocean County has is that they did not have some of the kinds of environmental monitoring equipment that we would have recommended. So, they can certainly add to their arsenal of radiation equipment a few of the environmental monitors of the type that we had recommended.

ASSEMBLYWOMAN McCONNELL: What about medical supplies? Is that under your plan or does that come under the Department of Health? Will there be a requirement under your plan to provide for the purchase of certain medical supplies and store them at some designated place?

MR. TYLER: Right now, again, as a result of our experience at Three Mile Island, that is being developed by the Department of Health. They are assessing the prospects for the cost of stockpiling dosages of potassium iodide, which is a thyroid blocking agent, which is useful, at least for emergency workers, during a nuclear accident, and it will be useful if we can have the supplies readily available for the general population to block iodine 131, which is one of the contaminants emitted by a nuclear power reactor during an accident, typically anyway, during most typical scenarios and I'm not sure how far the Health Department has progressed, at this point, with that.

ASSEMBLYWOMAN McCONNELL: Would that be a question more properly posed to the Department of Health?

MR. TYLER: That's one of the roles that they will have as part of the integrated state plan.

ASSEMBLYWOMAN McCONNELL: There are several things I wanted to ask on that particular aspect.

I have just one final question. We all remember our concern many years

ago about nuclear attack in this country and that is when the civil defense programs were established and we built fallout shelters and we had designated points of evacuation and housed them with lots of medical supplies and that kind of thing never came about. That is not to say that this country and this state should not be prepared, but I would like to ask you if with any plan that we develop, that there will be a practical approach applied to it. TMI, I think, is the only nuclear accident that has happened in this country. That's not to say we shouldn't be prepared in case there is another one, but are you just going to go overboard and buy lots of equipment and put medical facilities up and buy medicines and that kind of thing, and ten years from now they are all going to be outdated?

MR. TYLER: That's not going to happen from our end. We're talking about hardware that we are familiar with or becoming familiar with and we're talking about maintaining it over its useful life. The program that we have devised is fairly modest. In terms of the stockpiling of materials at emergency response centers, I had better defer to the State Police, who can tell you what is going on right now. I am confident that our approach will be practical because no one is going to give us a blank check, I don't think, to be impractical.

ASSEMBLYWOMAN McCONNELL: Thank you, Mr. Tyler.

ASSEMBLYMAN STEWART: George, do envision the need for full-time civil defense directors in the two affected counties?

MR. TYLER: I think that is pretty much the case today and I think that is probably a good idea.

ASSEMBLYMAN STEWART: Is that something that we can fund in this legislation?

MR. TYLER: I think the bill would provide for that.

ASSEMBLYMAN STEWART: Any other questions? Assemblyman Bennett?

ASSEMBLYMAN BENNETT: I have just a couple questions. Going back to what Assemblywoman McConnell touched upon on the present plan, as it exists today, you said that once the utility would give notification to the State Police, they in turn would then notify the Department. Is that correct?

MR. TYLER: That's correct.

ASSEMBLYMAN BENNETT: And, presently, there is someone who is on call 24 hours a day?

MR. TYLER: Yes, both at the State Police and in the Department.

ASSEMBLYMAN BENNETT: In the Department, where would that person be physically located?

MR. TYLER: He could be anywhere, even at home. He will have a beeper and will be available through that, if he is not in his office. But, the physical location of the Bureau of Radiation Protection is in West Trenton, at our radiation laboratory, on Scotch Road.

ASSEMBLYMAN BENNETT: And, if there was a notification, while he would be contacted in 20 minutes, under the present plan, what is the scope of his authority? That person that is to be contacted if there is a problem, what is his authority, presently, to be able to institute or follow through on the plan?

MR. TYLER: There is a chain of command that is set forth within the Bureau of Radiation Protection. That begins with the Bureau chief, the assistant chief, the nuclear engineer, several radiation physicists. As that call comes in, the person who takes that call is the acting chief, in effect, for the moment, especially if he cannot contact the chief and bring the other resources to bear. He would become, by delegation, the State Emergency Controller until such time as either the nuclear engineer or the bureau chief arrived.

ASSEMBLYMAN BENNETT: Does the State Police then proceed to contact the county civil defense?

MR. TYLER: Yes.

ASSEMBLYMAN BENNETT: And that's in the plan? He doesn't have to get the authority from the Department to do that?

MR. TYLER: No. Well, it is already set forth in the proscribed procedure.

ASSEMBLYMAN BENNETT: And the present plan that is before us today, you would continue with that, the county would immediately, upon notification that the utility notifies the State Police, the State Police would start by calling a person in your Department and then would proceed to contact the local and county officials, as applicable?

MR. TYLER: Yes.

ASSEMBLYMAN BENNETT: In the proposed legislation that is before us, we have "affected municipality" and "affected county". What, exactly, to your understanding, would that represent?

MR. TYLER: We have to develop guidelines for that, but as I said, that is probably every municipality in the county within a ten mile radius of the nuclear reactor, for sure, and maybe some tangential counties, as either support or possible expansion of that emergency planning zone, as is required under federal law or if we determine it is necessary at some future point for public health or safety. But, essentially, a ten mile radius would define what they are right now.

ASSEMBLYMAN BENNETT: Thank you.

ASSEMBLYMAN STEWART: The ten mile thing, I'm surprised it hasn't come up yet and maybe it will with some public input. In any discussion that I've been involved in, you always hear somebody say, "What about the people who live ten and a half miles and eleven miles?" and it has been suggested that possibly this legislation should be amended to include two separate tiers of planning, one being Zone A, which is within 15 or 20 miles of the facility and the other being Zone B and C, who progressively step down, who still have to do something. It might serve two purposes: one to help us do our planning; and two, it might us with all those people who are sitting out there who are eleven miles away and feel that we're not caring about them.

MR. TYLER: Well, first of all, that kind of two-tiered process goes on now in an informal way; well, in a formal way, in a sense. The entire state is blanketed by a civil defense emergency plan that covers all possible things, including radiation emergencies. This special planning is necessary in the immediate impact zone. More than likely, the incident that we will respond to will not be a major catastrophe that can affect broad areas of the State. It will, more than likely, be a small accident. Small incidents occur very routinely at nuclear power plants or at any generating station and that's the most like thing to trigger a radioactive release, not a total catastrophe situation. So, that's what, I think, being responsible planners, we have to focus our attention on, the more likely occurrence.

Secondly, for example, the Health Department, in its K.I. planning, will be covering an area of, I think, a fifty mile radius. It is a substantially broader area because there you are talking about smaller concentrations of materials that are transported over longer distances, which are less of a threat to any individual but cover a broader possibility. So, this is a two-tiered or maybe even a three-tiered process underway right now.

ASSEMBLYMAN STEWART: It appears to me, if for no other reason than to educate the public, it might be wise for us to look at some way to spell that out in the legislation because we throw around these ten mile radius figures very haphazardly, but when they appear in print, it has been my experience that it really upsets the people who are not in that zone and they feel that they have the same problems.

MR. TYLER: I think you might also have your staff review the legislation. There is a possibility that a two-tiered planning process could be accomplished by either regulation or by direction to us as part of this assignment.

ASSEMBLYMAN STEWART: Assemblyman Baer, who will be next, has also suggested this, that there are sections of the state in the northern part of the state that could be an affected community, affected by a facility that was out of our state. I assume your rules and regulations will take into consideration some of the New York area facilities that might affect some of the areas in New Jersey.

MR. TYLER: That will be definitely done, but it will be a second phase, with our first responsibility being directed at the two reactors operating in New Jersey and then, as a result of our educational process during Three Mile Island, one of the things we started looking at was nearby reactors and how close we were and what might happen. So, I don't know that even the resources that we've asked for thus far, in terms of people, would provide us with the ability to do all of that simultaneously.

ASSEMBLYMAN STEWART: Okay, thank you very much.

MR. TYLER: Thank you.

ASSEMBLYMAN STEWART: Our next witness is Colonel Ray Brennan of the New Jersey State Police.

R A Y B R E N N A N: Thank you, Mr. Chairman. I am Lieutenant Colonel Ray Brennan, Deputy Superintendent, New Jersey State Police. With me is Major Joseph Rogalski, in charge of the Emergency Management Section and also the Emergency Services Bureau, to which the emergency program is assigned, regarding the contents of the bill.

Thank you for the opportunity to testify for the State Police. Colonel Pagano sends his regrets that he couldn't attend. He is unavailable on vacation.

Mr. Chairman, several years ago, Governor Brendan Byrne exercised his executive reorganization powers and transferred the Office of Civil Defense Disaster Control from the Department of Defense to the Department of Law and Public Safety. Analyzing the statewide deployment and public safety responsibility of the Division of State Police, the Attorney General had the Superintendent submit recommendations and develop an organizational structure which eventually transformed Civil Defense Disaster Control into an emergency management section within the Division of State Police. This added responsibility requires the Superintendent of State Police to exercise supervision over the 21 county emergency management coordinators, heretofore civil defense directors, and all municipal directors, who must submit plans and organize local resources for response to natural or man-made disasters. The Emergency Management Section has developed the New Jersey Emergency Response Plan, complete with annexes submitted by each department of state government, which spells out the responsibility role and response of each department in the event of a disaster that is beyond the means of local government and their resources. The Superintendent is designated as the State Coordinating Officer. Through the years and prior to the absorption of Civil Defense Disaster Control, the Division of State Police has worked hand in glove with the Department of Environmental

Protection in their development of the PIPAG plan. That is Procedures for Implementing of Protective Action Guide. We're great for acronyms. That will be carried out in the event of a nuclear accident. Our combined efforts placed New Jersey in the forefront of nuclear accident response and planning and the plan has been tested under the scrutiny of the Nuclear Regulatory Commission at both nuclear generating stations in the State of New Jersey, before and after the Three Mile Island incident.

Since our experience in our sister state of Pennsylvania, the federal government created the Federal Emergency Management Agency, called FEMA, by consolidating the U.S. Civil Defense Disaster Control Agency, the Federal Disaster Assistance Agency, the Federal Insurance Agency and several other allied or related bureaus, which respond with money, manpower and resources, should the the individual state suffer from a disaster.

FEMA funds approximately 50% of the state's effort in emergency management and the Division of State Police is a component part of Region 2 of the Federal Emergency Management Agency. The Division is well-situated in its given role of coordinating the efforts of all agencies responding to a nuclear emergency because the cause and effect covers a broad geographic area and many political sub-divisions.

Acting on recommendations submitted to him by blue ribbon panels investigating the Three Mile Island incident, President Carter handed FEMA a mandate to review nationwide and upgrade all plans and responses concerning nuclear generating plants according to the lessons learned from TMI. The Bureau of Radiation Protection of DEP and our Division have been hard at work in an effort to meet this mandate, but it is unlikely that we can meet the federal deadline of January, 1981 without the passage of Assembly bill 966. Assembly bill 966 is the vehicle which will move us forward in that it provides the formality and direction which is necessary when dealing with a cross-section of political sub-divisions in two areas of the State. It will weld and strengthen the relationship between the Division of State Police and the DEP, who have been cooperating with each other by identifying our respective roles, authority and responsibility, which is consistent with our expertise and statutes.

The State Police will coordinate the response in accordance with DEP's technical evaluation of the problem. The role of the Department of Health and the Department of Transportation is defined in Assembly bill 966 as well as the obligations and the responsibilities of local and county government. All of the agencies play a vital role in providing for the safety of our citizens within a ten mile radius of a nuclear facility and beyond if necessary.

Many of the requirements placed upon our Division, the Department of Environmental Protection and the Department of Health cannot be accomplished without the financial provisions provided in Assembly bill 966.

Critical areas being addressed by the Division are: one, alerting the population within fifteen minutes of notification of a nuclear accident, and that's not in keeping with the twenty minute notification that you heard about in previous testimony; two, establishing adequate and reliable communications with all communities in threatened areas, as well as the contiguous states; and three, of course, evacuation.

Whatever financial assistance that is granted to the Division and the Department of Environmental Protection and the Department of Health will be uniformly apportioned to each nuclear generating area. We are humbled and gratified by the many dedicated citizens who are working toward a common goal of providing security and organizing an emergency response to a possible nuclear accident in our state. We believe this concern is reflected by the sponsors of this bill who have taken this initiative,

which we wholeheartedly support. Our emergency management section and the Division stands ready to respond to your wishes. Thank you.

ASSEMBLYMAN STEWART: Any questions? It is obvious from your testimony that you don't feel that we are duplicating efforts, I guess.

COLONEL BRENNAN: Obviously not.

ASSEMBLYMAN STEWART: I don't want to go into too much detail, but how do you figure, how do you envision a local community, any local community, how do you envision actually, physically notifying residents in the event of an emergency?

COLONEL BRENNAN: This is part of the present plan that is being structured right now with our planning bureau.

ASSEMBLYMAN STEWART: People that were here earlier from Ocean County seemed to think that, although they did admit that there is always room for improvement, that things were well under control, they had an adequate means of reaching all their citizens and reaching them quickly and I guess they felt that they had reasonable transportation routes to get them out, if they had to. Do you agree that we can do all those things right now?

COLONEL BRENNAN: Mr. Stewart, I don't think that we will ever have a completely adequate notification system. We can strive for perfection, but we will never notify all the people all the time. There is always room for improvement and Ocean County does have an excellent civil emergency management program which was originally a civil defense program and a well-consolidated organization. But, that also comes through the auspices of the State Civil Defense and Disaster Control Program that was initiated originally in response to the nuclear problems.

ASSEMBLYMAN STEWART: Well, for instance, the bill doesn't get into real specifics and that's really not the reason we're here today, but I imagine each one of us is going to be asked at some point in time, this bill we're considering, how would you go about evacuating senior citizens and how would you go about evacuating school kids? What do you do if the word comes over the P.A. system for everybody to evacuate to X,Y,Z community and your kids are all in school? How do you handle that now? Are the teachers educated in those communities? How do they do it?

COLONEL BRENNAN: What has happened at this point and we're in the process of upgrading the present PIPAG program, what would happen, we have already programed modules to the civil defense directors in each municipality, which outlines procedures for notification, which also includes, I might add, schools and so forth. It also provides for an evacuation program for each municipality. The director is responsible for setting up a plan for all of those events. Likewise, the county is also involved. The county is involved in the plan as well, but through the state program, we are helping these counties and municipalities to implement plans for nuclear problems in the generating areas.

ASSEMBLYMAN STEWART: The State Police has always been very cooperative before and I have no reason to assume they won't be now, but what I was thinking was, rather than getting into all the details today, I would assume that you would be receptive to coming back to the Committee, just your group, and going over it with us in a lot more detail, some of the little things, the nuts and bolts of the emergency plan, rather than taking up our time today.

COLONEL BRENNAN: It would be our pleasure to invite you up to our headquarters to view the program as it is being implemented. We would be happy to have you come and see it.

ASSEMBLYMAN STEWART: Thank you very much for your time. I apologize for getting my schedule all twisted up here, but the next witness is Assemblyman Baer.

B Y R O N M. B A E R: I want to thank you, Assemblyman Stewart, for the opportunity to testify here. I might say that I have spent considerable time trying to develop a draft of my own on this subject, before you introduced the legislation. But, I must comment, on reviewing this legislation, it is so far superior to my own that there is no comparison. It really is a very excellent job and I've seen some of the legislation in other states and I feel a very, very fair job has been done.

Nonetheless, we always have a few additional suggestions or comments and I would like to make some. First of all, in relation to the role of inter-state action, I'm particularly interested in this, being a representative of Bergen County. As you know, we're not too far across the river from Indian Point and it gives us considerable concern. Elsewhere in the Legislature, as a matter of fact, I'm going to be introducing a resolution relating to Indian Point. But, sticking to the point here, it is very important that any response plan that is developed in this State covers the areas that are faced with any risk from a nuclear facility, regardless of whether that facility is located in the state or outside the state. I don't accept the contention that it be located outside the state and therefore relegates it to a second phase where it is going to be considered because the people who are facing the risk, the people who are likely to be affected are, of course, all New Jersey residents. Furthermore, although you may have a somewhat closer proximity of some citizens to the facilities that are located within the State, the population density is far, far more greater in the northern area where we are faced with a facility across the river or slightly north also. So, I urge the Committee to see that our concerns don't get second phase consideration.

Apropos of the coordination that is necessary when we're talking about approaching this across state lines, and I realize the jurisdictional limitations that the state faces, I think it is important to provide a mechanism whereby there can be inter-state coordination and cooperation, assuming the other states are willing and I have no doubt that there will be willingness from the other states. First of all, we need to have cooperation from other states as far as knowing the nature of risks in general and if there is some unexpected event. Secondly, we certainly need to know about their plans. If a plan on a facility out-of-state is going to have large numbers of people crossing, let's say, the George Washington Bridge as part of their evacuation plan, what is that going to do to our expectations, our plans in terms of traffic flow. Obviously, these things have to be considered in a unified way and the same, of course, exists in Pennsylvania across the way, where they are going to want to know information from us and it is not inconceivable, depending on which way the wind is blowing, that even if there was a problem in Lower Alloways Creek and most of the problem was blowing across the way to Pennsylvania, that we would be faced with not only the effects of the problem directly in our own state, but they might have population coming over into New Jersey. So, traffic is certainly an aspect that should be considered.

Housing is an aspect, too, that could be involved, temporary housing or facilities for population groups that are moved that could involve an across-the-state aspect.

Lastly, picking up on the very important theme that you addressed just a few minutes ago, Mr. Chairman, in terms of communication, certainly the best means of communication are the popular media. This is what people are listening to, radio

and TV, and all of that involves multi-state setups and presumably it would be far better to have the media plugged on a coordinated basis so that there aren't confusing or conflicting messages coming across from two different states on media that is covering both states.

I would like to deal with another subject which has to do with seeing to it that the response plans are effective at all times and being able to adjust for changes that occur on a shorter time span than the six month or annual reviews. There are various types of circumstances that can affect the situation, depending upon how they impact upon critical elements in the plan. A road can be under re-construction. There can be local flooding that blocks certain roads. There can be the aftermath of a storm that brings about a large breakdown in power or communications lines and I might make an aside here that often times, when things have gone wrong in the past, in relation to high technology areas where there has been a lot of consideration of protecting against failure, the problems have come about because there was the failure to consider the possibility of more than one thing going wrong at the same time. So, these plans need to take into account temporary changes in situations like this, large areas flooding from the aftermath of a hurricane. I could go on about things like this and in some cases, it could be as minor as a personnel change or changes in somebody's phone number and not being able to get in touch with the critical person because of changes like this. So, if you feel that there is a need for some mechanism that will provide that information to those that are responsible, some mechanism that will insure that those who routinely have this information about changes in circumstances that have come about or that are planned, so that they will inform the people who are responsible for the plan about the changes. Is there a need to consider who will make the decisions based on a modification of the plan because of things like this? What mechanism will be needed to provide updated information to the various local authorities or others who need to be informed of this temporary change in plans? If the authorities responsible for the plan find that there is no adequate modification of the plan possible under these temporary circumstances, what will happen? Will the authority exist to require a road department to change their plans on restructuring the roads so that more lanes are required to be open at all times during construction? There is a cost factor to that. Will authority exist in a situation where there is no way of eliminating this temporary deficit to the plan, maybe in the aftermath of a hurricane, for instance? There is just no way to have an effective response plan. Will the authority exist to perhaps require a shutdown of the reactor, if that is the only way to eliminate the risk during that period?

Another minor element, minor in comparison with the major scheme that you have here, has to do with the subject of operation center. Do you want the legislation to require, among the various other elements that the plan has to provide for such as training, etc., that there be an operation center designated in advance for major facilities so that people will know where to go? Is it desirable to have an on-site operation center, as opposed to operating out of the State House, a long distance away? Is it necessary to have any type of set-up for a mobile operation center in case your on-site or near-site operation center is too hot to stay in? What type of operation center is necessary for a problem in transportation of high level nuclear waste? Do you need to have a mobile facility there or a designation in certain regions, anyway, maybe counties or whatever, so that there is a center reasonably close, depending where it occurs? The legislation does not address what cooperation, if any, is required of the facility itself, the major facility. Has there been consideration of this?

As to whether this should spell out the necessary minimum cooperation that is the obligation of the facility, in terms of providing information or whatever else is necessary, if it is deemed that there is going to be an on-site operation center, for instance, will it be necessary for them to have in advance certain minimum communications ability that is ready to plug into in such a situation? Are there other possible areas where the cooperation from the local facility is necessary, maybe in terms of housing, certain standby equipment or whatever? I don't know, but I don't see any obligation put on them from this.

Perhaps another major element to consider is the element of equipment and supplies. It is addressed in the plan in relation to health, but it isn't addressed in relation to the plan as a whole. It is conceivable that there might be equipment and supplies necessary in relation to other elements of the plan, other than health. I know, for example, just to draw a parallel, in considering the aspect of firefighting, with certain exotic chemicals, we have learned that in some cases you need exotic chemicals to deal with them and it is important for the fire-fighters, if these things are being shipped through an area, to know in advance where they can get those materials or equipment, who has them and if they are not available, then there has to be a decision made as to whether or not to acquire them and station them within the appropriate distance. So, I submit that this area of equipment and supplies is something that needs to be considered so that they will have available what they need to have available and the authority will exist for purchasing equipment and supplies, if, in fact, minimum necessary equipment and supplies cannot be available by other means. I realize that some may object to that authority because it ultimately has to be borne by the rate structure, but I think the Committee may want to consider weighing that against the risks involved. In any case, what we are discussing here isn't arbitrarily requiring certain equipment or supplies to be required legislatively, but only that the legislation include this as an element, that the authorities who really look at the details of this will look at it and have the authority to deal with it.

The only other comment that I have has to do with the action taken at the local level. Sections 5 and 6 talk about plans being reviewed and adopted by counties and municipalities. Does the Committee want to give some consideration as to whether there should be more specificity as to who at the local level is responsible for that approval, be it the board of freeholders, municipal governing bodies, chief executive officers, staff, or whoever?

Again, I want to thank you very much for the opportunity to testify here today.

ASSEMBLYMAN STEWART: Thank you very much, Byron. You have planted some seeds for some further questions for when we get into further discussion later on about some of the ideas they had for rules and regulations. A lot of these things, they have told us they are working on, but you have had a lot of good questions. Thank you very much.

ASSEMBLYMAN BAER: Thank you.

ASSEMBLYMAN STEWART: Our next witness is Richard Press representing the Township of Lower Alloway Creek.

R I C H A R D P R E S S: Mr. Chairman, members of the Committee, my name is Richard Press. I am an attorney with the law firm of Valore, McAllister, Aron, Westmoreland and Vesper and we are nuclear counsel for the Township of Lower Alloway Creek. Generally, after discussing the bill with Mayor Donaldson of Lower Alloway Creek, I can convey

to you that he generally approves of the bill with one specific caveat and that caveat being that there is something that he senses in the bill that somewhere along the line, there might be a loss of municipal control over their own emergency planning and management. Particularly, there is a provision in the bill which says that municipality submits its emergency plan to the county and the county could revise it or reject it. I don't think that is a wise provision. I think, particularly, with Lower Alloway Creek, and I know that Assemblyman Stewart has commented that they do have a good plan and they've been working on it and they are concerned about it. I don't think there should be any tampering or any possibility of tampering with that bill at all. I think the plans of the municipality should be presented in toto to the DEP and considered as such and I think there is much to be gained by listening to what the municipality has to say on this.

Also, further along the line, when plans are revised, when the DEP bi-annually revises or reviews the plan, I think there, again, should be some provision for municipal participation of that. I think the fact of the matter is, as a practical matter, up to this point, there has been a lot of confusion at the county and state level as to exactly what is being done. I think Lower Alloway Creek, standing alone, and I don't mean to wave the banner, but I think they are standing alone and have fully implemented and are complying with the PIPAG regulations. I would submit that they are the only municipality that has done so. They have hired attorneys to do so and they have spent a lot of money to do so and they feel that they have a certain vested interest in seeing that the plans that they have devised are perpetuated and continue and are embedded and are improved. That's why they approve of the bill, generally, that it does provide, at least, for a coordination of all the separate plans and regulations which might be proposed in the future and therefore, they will get some help, eventually, which they haven't done. They have off-site monitoring centers. They have a complete list of the names of all individuals in the town or handi-capped individuals, hospitals. They have alert teams, buses, evacuation plans. They have a very good system, as I see it and all I would suggest and I would urge that possibly a paragraph be put into the bill that states that it is the intention of the Assembly that there should be cooperation at the municipal level in revising plans or in supplementing plans, some statement of intention. I really think there is much to be learned there and you should follow the lead that Lower Alloway Creek has provided.

I want to next just get into some general statements on the bill itself. I realize the initial proposal just really tries to coordinate all the separate bills which will be forthcoming, including the FEMA bills, NRC interim regulations, DEP regulations. I'm quite confused when I look at the whole mass of bodies of emergency regulations that are coming out. But, I really think that this is the first step in trying to coordinate that. I'm slightly confused with the testimony today as to exactly what this bill accomplishes, whether the designated communities are going to be communities outside a tenmile radius. According to Mr. Tarlin, no, they are not. But, according to some of the statements this morning, in response to Ocean County's concerns, we're concerned about a statewide emergency plan and, of course, you can only do that by getting beyond a ten mile radius. I don't know how broad you want to make your bill, but certainly, I think some statement should be in there specifying exactly what you want to cover. That was a confusion I had when I first read the bill.

As far as specifics of the bill, on page one, there is a statement that the bill applies to "a radiation accident at a nuclear facility or during the trans-

portation of radioactive material." Later on, you talk about the responsibilities of the Department of Transportation. I think those responsibilities could be expanded to include exactly what methods of transportation should be done, at least begin an investigation into the transportation of nuclear waste. I think it is a very major issue, particularly with the questions coming out on the on-side storage and whether that is safe. I think transportation of nuclear materials is going to be the wave of the future and I think the DOT should get involved in planning for that, what type of vehicle should be used, supplying special emergency vehicles for transportation. That's really not included in the bill and it could be suggested that they at least investigate that.

On page 2, part E, "radiation accident" is defined as "a release of unnecessary radiation". Well, what exactly is an "unnecessary radiation"? That will be more broadly defined, I'm sure, when the plans are submitted by the DEP, but I think maybe you should even remove "unnecessary radiation". Why even create any confusion about that? If this bill is going to be challenged, as it probably will be by the utilities, make it as specific as possible. Maybe it should be leakage of any radiation until we know for certain what dosages are harmful and what aren't. I think this bill, at least, in the context of this bill, should apply to any radiation leakage whatsoever.

MR. MILLER: If I can clarify that, "unnecessary radiation" is a term defined in the Radiation Protection Act, to which this is a supplement.

MR. PRESS: Okay.

ASSEMBLYMAN STEWART: Does it still mean radiation, period?

MR. MILLER: It has levels, specific levels of dosages of radiation identified, scientifically described in the Radiation Protection Act. This is a supplement to that Act and we simply picked up the definition of "unnecessary radiation".

ASSEMBLYMAN STEWART: Mark down in the record that we will put in a definition of what "unnecessary radiation" is.

MR. PRESS: I think that is something that is important. Again, on page 2, there is a further comment from lines 22 through 26, "The plan shall be revised and updated, at least, bi-annually." Again, I would just suggest that you seek some municipal input on that. Seek some local government input on that.

ASSEMBLYMAN STEWART: What section was that again?

MR. PRESS: That is page 2, lines 22 through 26. "The plan shall be reviewed and updated, at least, bi-annually." I think that not only should there be cooperation at the outset of this, there should be cooperation throughout, in revision procedures as well as the implementation of the plan. So, all I'm saying is, seek municipal input on that and I think it will help everyone concerned.

On page three, what the Township particularly finds objectionable is the comment from line 7 through 10, and I'm paraphrasing here, local plans submitted through the county for approval by the Division and the Department, local plans shall be reviewed at least every 18 months. That's fine, but in the next section, every county designated... prepare and submit to the department a county radiation emergency response plan, etc. etc. and supplement, if necessary, and replaces radiation emergency response plans of municipalities within its jurisdiction. That's lines 1 through 7 on page three. That is particularly objectionable since Salem County has done nothing, quite frankly, throughout this in preparing an emergency plan. Lower Alloway Creek has carried the ball and at this point, why should we submit our plan and, subject to their discretion, have the plan knocked out, which, under the terms of this, could happen? I think

since you are delegating it that the township sends it to the county, I think it is imperative that the plan be presented to you in toto, rather than any possible revision.

ASSEMBLYMAN STEWART: Are you going to go through the bill page by page? If so, I will stop you right there and let's talk about that a little bit. I can't imagine an instance where you fear it would happen, first of all. Of course, if it says it can happen, it can happen. That's what you are saying. I can't imagine the county looking at that very fine plan and saying that your plan is no good, take it back and do it all over again. Being realistic about it, I can't imagine that happening. A lot of time and money has been spent in drafting that, as you pointed out. What I can see possibly happening, though, is a lot of time and a lot of money being spent drafting Lower Alloway Creek's plan--and I'm just pulling an example out of the air--let's say that they had an evacuation plan that called for everyone to evacuate the area and go to the regional schools and pick up the children and we will then proceed to X,Y,Z. Now, Mannington Township comes up with a plan that does just the opposite and messes everything up and their little \$200 plan now messes up the multi-million dollar grand scheme of Lower Alloway Creek. The county is sitting there saying, "My God, what are you guys doing to us?" Yet, they have no authority to say to X, Y or Z community, "Revise your plan because it doesn't jive with the county scheme." I understand what you are saying. No one likes to be told that there is going to be someone over them saying, "We don't like your plan." But, by the same token, we have to try and find some way to make sure that those good plans aren't fouled up somewhere along the line by one of the other 14 communities and that's really why that kind of a provision is in there, not to really go after the one or two good ones.

MR. PRESS: I have no problem with the county commenting on each particular plan and suggesting that plan A is good or plan B is bad and making suggestions to the DEP. But, to say--well, you don't know what's coming up, you don't know what's been revised and there could be a problem there.

ASSEMBLYMAN STEWART: You understand the objection that I'm pointing out?

MR. PRESS: Yes.

ASSEMBLYMAN STEWART: Do you see any solution to the problem of a neighboring community --I mean the schools are probably a very good example. Lower Alloways Creek is a sending district into Salem. That part of the program could get all fouled up.

MR. PRESS: I believe the plan should be submitted through the county and through the DEP completely, as it is, and have the county make the suggestion that they think the Mannington District plan is not correct.

ASSEMBLYMAN STEWART: Then, what will the state do?

MR. PRESS: Ultimately the state is going to revise it.

ASSEMBLYMAN STEWART: Do you mean, let the state revise it and not the county?

MR. PRESS: Not the county. Let the county make certain suggestions.

ASSEMBLYMAN STEWART: In other words, you want to take the county out of it altogether?

MR. PRESS: Well, no. I would have the county make its comments.

ASSEMBLYMAN STEWART: Well, somebody would have the ultimate authority to say, "Hey, wait a minute, you two townships are at odds. You are sending people headlong down the highway and they're running right into each other."

MR. PRESS: Absolutely.

ASSEMBLYMAN STEWART: You don't disagree with that?

MR. PRESS: No, I don't disagree with that at all. I'm just saying that, at least, the DEP should have a chance to look at the plans that have been submitted, as well as the county's comments on that.

ASSEMBLYWOMAN McCONNELL: If I could just make a comment here, I don't see any problem with the language because the municipality would submit it to the county and their responsibility is to coordinate, supplement, if necessary, and to replace municipal plans within its jurisdiction, if that is necessary. So, I see Lower Alloways Creek being at an advantage.

ASSEMBLYMAN STEWART: His point is that he doesn't feel that the county should be able to do that.

MR. PRESS: I don't think the county should be able to replace.

ASSEMBLYWOMAN McCONNELL: Well, if some municipality within your county submitted a plan that was detrimental to your plan, the county would then have the authority to throw theirs out, supplement it or to replace a plan that might be in direct conflict with yours. It could work to your advantage. I understand your concern, but I think it is reasonable to assume that it would ultimately work to your advantage.

MR. PRESS: Well, hopefully, the county would pick the proper plan, but since there is an ultimate authority, which is going to be DEP, I assume, that's going to be done anyway.

ASSEMBLYWOMAN McCONNELL: You would feel better if they had more authority.

MR. PRESS: I feel if they had the plans before them and they are able to corroborate everything, let them make the decisions, rather than two decisions being made along the way.

ASSEMBLYMAN STEWART: Fine. We understand.

MR. PRESS: On page four, lines seven through ten, responsibilities of the Department of Health, I think it is an excellent idea to have the Department of Health coordinate evacuation plans of hospitals, but I think that should be specifically included in the local plans as well, because they have a more intimate familiarity with exactly what hospitals deal with the aged, what handi-capped people are in the area. I think that somewhere along the line, there should be a requirement that the municipality or the county prepare their own draft. I think it would make it a lot easier for the Department of Health in preparing a plan for evacuating hospitals and handi-capped persons.

Lower on, in the requirements of the Department of Transportation, that's lines one through nine, at the bottom of page four, I again think besides just creating an inventory of emergency transport vehicles, there should be a study made into exactly what type of vehicles should transport nuclear waste materials, if any. I think that is something that should be looked at at some point along the line. I realize that this plan is not going into that, but that is just a suggestion.

As far as the payment section on page five, the reimbursement, I'm sorry that it was not clear to me when I first read the bill that the money would first go to the State and the State would dispense, will make all the purchases. It wasn't clear to me. The way I read it, the money would be reimbursed directly to the county or the municipality for any expenditures they made. If I understand the testimony here today, the State will make all the purchases and only the State gets reimbursed. The way I read it, in order to defray the expenses of local, county and state agencies in discharging their responsibilities under the Act, there is no statement that only the State will be purchasing emergency equipment.

ASSEMBLYMAN STEWART: I don't think it says either way. I think you were right the first time.

MR. PRESS: Okay. I was just confused with that. Payments by the utilities, I think it is an excellent idea and quite frankly, I can't think of another way of

doing it, of making assessments, but there are certain, maybe, constitutional arguments which come up as to whether you can tax an out-of-state utility who is doing business in New Jersey. We probably can, but it could be challenged on that basis. Also, maybe a provision making it clear that you are taxing one tenth of one percent of gross operating revenues, not just from nuclear energy production in the State of New Jersey, because, as you know, there are going to be a lot of shut-downs, but gross operating revenues on total electrical production in the State of New Jersey would be wise. That was a question that I had when I read it.

Moving on to page six, I have a natural hesitancy when I read that "Each affected utility shall file with the State Treasurer an affidavit showing its gross operating revenues derived from intrastate operations during the preceding year." I think there should be some back-up that the State Treasurer should be able to review the books, if need be, if they feel there is some inconsistency. That's been done. I drafted some legislation for rent control ordinances on the municipal level, and it has been done so that we have the power to review the books and subpoena those books and records if need be. That subpoena power is not incorporated in the bill and I think it should be.

Section 13, on page 6, regarding a hearing for the utility, there are a lot of problems that come up, particularly under the Administrative Procedure Act, as to what type of hearing they are entitled to. Is it a contested hearing under the Administrative Procedure Act? Is it a quasi-legislative hearing or is it a public type hearing? I think to protect yourself, there are going to be a lot of problems that are going to come up in the Appellate Division saying, "Well, they have the right to a full-fledged hearing with full rights of cross-examination and everything." I think you should narrow this at this point, saying that it is a quasi-legislative hearing and not a contested hearing, and show your intent as to what type of hearing you want. If you don't do that, you leave it up to the courts to interpret it and the way the trend it, they're going to grant them a full-fledged contested hearing with cross-examination, which can go on for a long time.

I believe the statute of limitations in Section 15 is too long and generally, 15 and 16 bother me because you are leaving yourself open because after you get an assessment against certain utilities, if they then go into court and challenge it on unconstitutional grounds, the taxation portion of this, and two or three years down the line, this bill is declared unconstitutional, you are going to have a massive reimbursement problem on your hands. I think that there should be some statement in here and I think you have something that if it is declared unconstitutional, then it will be returned.

ASSEMBLYMAN STEWART: I don't think it says that. It's a severability clause. If any part of it is unconstitutional, then it doesn't affect the rest. That is what it says.

MR. MILLER: Section 20 severs any particular provision judged unconstitutional from the remainder of the bill.

MR. PRESS: I'm looking at Section 15, which says, "within two years from the date of the payment, bring against the State an action at law to recover the amount paid..." Well, this you should review with your counsel, but I'm not sure a state has to grant a right to reimbursement after a statute is declared unconstitutional, i.e., does it have to be done prospectively or retroactively? Why go into the problem of reimbursement if the court has declared this unconstitutional? I would just say that you should look into that. Without doing any research on it, I don't know the answer, but I think you could get away with saying that there shouldn't be any reimbursement.

ASSEMBLYMAN STEWART: We'll ask them why that section is in there.

MR. PRESS: I think the statute of limitations is too long. That is reimbursed?

ASSEMBLYWOMAN McCONNELL: I'm talking about another tax, in terms of if it is ruled unconstitutional, it seems to me that the state has had to reimburse, in those cases.

MR. PRESS: It could be. I don't have many more comments, but in section 16, "If any affected electric utility...fails to pay the amount...the State Treasurer shall proceed to collect the amount stated to be due with legal interest..." You didn't include costs in there and I think that should be in there.

ASSEMBLYMAN STEWART: There wouldn't be a legal cost, would there?

MR. PRESS: Well, any cost that you might incur. Cost would be broadly defined. There might be something else you might want to recover.

Section 17, again, there is a question that comes out as to what type of hearing should be used for enforcing rules and regulations or promulgating the rules and regulations. That's a question that particularly comes up under some of the Administrative Procedure Act regulations. Exactly what type of hearing is required?

Section 18, when you say, "The Department and the Division shall have the authority to enter and inspect any building or place for the purpose, etc.", I think it is important that you include the utilities themselves. Maybe it is self-explanatory and maybe I am overly concerned with the language, but I think you should have a right to review whether the on-site emergency plans are effective and a specific right to go into the utility to review their plans and their set-up.

Section 19 says, "the PIPAG manual shall continue in full force and effect until all the energy response plans required by this Act are adopted, after which it shall expire." I can see all these plans being adopted but not coordinated and I can see a time lapse wherein the plans are presented but then there is a long period of review. How do we come up with a master plan? I don't think there should be an automatic termination of the PIPAG plan until the DEP now says that they have another plan to replace it.

The only problem I have with the penalty provision, I think you have to have some teeth in any plan, but I think it should be any person who willfully violates this act. That might clear up some of the objections by Ocean County that the volunteer fireman is going to get hit with a \$2500 fine for oversleeping or something.

That's about all I have. Thank you very much.

ASSEMBLYMAN STEWART: Thank you. Thank you for your patience. I'm sorry we overlooked you this morning. The next witness is Dr. Parkin of the Department of Health.

D O C T O R W I L L I A M E . P A R K I N: Good afternoon. I'm Dr. William E. Parkin, Assistant Director of Epidemiological Services of the New Jersey State Department of Health. I've been asked to present the Department's position on Assembly Bill 966, the Radiation Accident Response Act, on behalf of Commissioner Joanne E. Finley.

The State Department of Health strongly supports the proposed legislation and recognizes its role as outlined. Indeed, the Department has already initiated actions that would comply with several of its duties as outlined in the Bill. The Department of Health is endeavoring to actively cooperate with the Department of Environmental Protection, the Division of State Police of the Department of Law and Public Safety,

and other state, county, and local agencies in the development and implementation of comprehensive protective action plans and procedures to abate any radiological threat to the people of the State of New Jersey.

The Department recognizes its responsibility for the public health aspects of nuclear emergency response planning, to identify those at greatest risk from radiation exposure, to ensure medical services for evacuees, to develop and implement training programs for medical personnel, to develop and implement public training programs and to inventory emergency transport vehicles. In addition to these responsibilities, the Department has been developing plans for distribution of potassium iodide, a thyroid-blocking agent, for use in the event of an emergency within a ten mile radius of nuclear power plants to prevent the up-take of radioactive iodine, I ¹³¹.

Compliance with the duties outlined in the bill and described previously will require financial assistance to the Department of Health. Preliminary plans call for the development of a four page brochure for distribution to the 60,000 homes within the ten mile radius of each of the two nuclear power plants in New Jersey. The brochure would contain such information as protective measures against radiological exposure, general information on the nature of radiological accidents, the description of warning signals which will be used to alert the local populace of a nuclear emergency, the identification of local media, such as radio stations, which will be the source of emergency information, the identification of local authorities, and the description of emergency evacuation routes. The brochure will obviously require the input of numerous agencies to develop. Initial estimates indicate that the printing costs for the brochure alone will be in the neighborhood of \$12,000 at an approximate cost of \$.20/brochure. Periodically, the brochure will require revision and redistribution. We also propose developing a single page pamphlet which will describe only protective measures against radiological exposure. The estimated cost of this pamphlet is \$7,500 for 150,000 at \$.05 apiece.

Current plans regarding potassium iodide calls for the purchase of adequate potassium iodide to supply the 300,000 residents within ten miles of each nuclear power plant, the visitors to the areas--particularly during the summer tourist season, the maintenance of a stockpile for the vicinity of each plant, and a stockpile to be maintained at the state level to be used where and as it is needed. Our current estimate for the purchase price of this potassium iodide is \$375,000. The anticipated shelf-life of potassium iodide is estimated at four years, which means that this would be a recurring expense dependent upon the current price of the prophylactic medication at that time.

In order to ensure that bill 966 supports the above potassium iodide program, the Department recommends the following amendment to page four, section nine, line 26:

"f. In accordance with the Federal Emergency Management Agency's requirements, the plan should include methods for authorization of potassium iodide or other prophylactic medication ingestion by the State Department of Health."

The third aspect of the Department's activities which will require funding are the medical training programs. We have not initiated serious attempts to develop these programs yet. Costs we can anticipate would include training materials, travel expenses for experts in the fields of radiological health and medicine, and honoraria or contract monies for these individuals. It is reasonable to expect that these expenses could run between \$50,000 and \$100,000.

Additional expenses for record keeping, shipping, personnel and operating expenses could easily total another \$50,000. Our preliminary projections arrive at an estimated total cost of implementing this program at \$545,000.

The Department of Health does not have the funding available to carry out these activities in a thorough and conscientious manner. Such funding must be a necessary part of any legislative bill to ensure the public health of the people of the State of New Jersey.

Finally, let me once again reiterate the Department of Health's support for Assembly Bill 966 and encourage its passage with our recommended amendment.

Thank you.

ASSEMBLYMAN STEWART: Are any of the procedures that you outlined with regard to the potassium iodide and some of the other medical procedures in the brochure, are any of those things being carried on now in either Salem or Ocean County?

DR. PARKIN: No, not actually. We're in the process of developing the plans. In fact, our potassium iodide plans, we've got a deadline of April 15 to have a plan to the Deputy Commissioner, Deputy Commissioner Copeland of what we are proposing.

ASSEMBLYMAN STEWART: Are you going to be able to do either of these things without an appropriation like this?

DR. PARKIN: No, we aren't. We've got no monies at this point in time. There was a discussion between Dr. Copeland, Dr. Altman, my superior, and Dr. Mitchell from the Governor's office to approach the Legislature prior to our known existence of this bill for funds to purchase potassium iodide.

ASSEMBLYMAN STEWART: Is your estimated cost included in the bill? I don't believe it is.

DR. PARKIN: No, it is not. There are only specific funds mentioned for DEP and the State Police.

ASSEMBLYMAN STEWART: So, you're talking about another half a million dollars?

DR. PARKIN: Essentially, yes sir.

ASSEMBLYMAN STEWART: So, even if we pass the bill the way it is, it won't help you with your funding?

DR. PARKIN: It says that we've got work to do, but it doesn't give us the tools to get the work done. We've got no funds, at the present time, to purchase the potassium iodide and that is a large portion of our needs in the appropriation.

ASSEMBLYMAN STEWART: Okay. Thank you very much.

DR. PARKIN: Thank you.

ASSEMBLYMAN STEWART: The next witness will be Wayne Bradley from the Department of Transportation.

W A Y N E B R A D L E Y: Good afternoon Mr. Chairman and members of the Committee. My name is Wayne Bradley and I am Assistant to the DOT Commissioner, Louis Gambaccini. I would like to thank you for the opportunity to come before you and present some of our views on bill # A-966.

The Department of Transportation supports the bill strongly. I think that it is timely legislation and it provides us a laudable base for discussion among the affected state, county and municipal agencies concerning plans for a response to radiation accidents. I believe that I can say honestly that I believe we all learned something in the aftermath of the Three Mile Island incident, but there is much we should do, collectively, to be more prepared for accidents and to also insure safety for residents and workers in the areas.

We a few technical concerns with the bill. I don't think they will be too difficult. In general, we are concerned, as are some of the other agencies that have already been before you, that we've been asked to do something in the bill, but have not been given the necessary resources with which to do it. I don't think that I have come before you saying something that you haven't heard before, that the Department of Transportation, as well as some of the other municipalities and counties that are affected by this and other state agencies, just does not have the necessary resources to do all the things that we would like to do. We recommend that certain of the appropriated funds in A-966 be directed to the Department of Transportation in the development of the response plan and would also advise you that we are concerned with the construction and maintenance aspects of the bill and the dollars that would necessarily have to flow there.

Furthermore, in general, I would like to add that we avoid duplication of prior efforts in this area and therefore, I would recommend that the radiation response procedures that would be developed--and this is more or less directed toward the Department of Environmental Protection and the State Police--that any procedures that they develop at least take into consideration the emergency transportation plan that the Department has developed, as sponsored by the Civil Defense.

More specifically, with Section 10, the section calls for the Department of Transportation to study and evaluate all modes of transportation servicing affected counties and municipalities. We are all right with that, provided that affected counties and municipalities are what you mean they in Sections 5 and 6. Access to and from such facilities in the event of a nuclear accident is vital and you must be assured and the Department of Transportation must take the lead in this analysis. However, if affected counties and municipalities refers to those locales through which radioactive materials are transported by all modes through and around the state, then the Department of Transportation has to question whether our current capability and capacity can carry out that kind of a mandate.

With respect to Section 10B, which calls for the Department of Transportation to prepare a radiation emergency transportation plan, including the designation, construction and maintenance or primary and secondary routes and the development of traffic management procedures to assure rapid access to and from affected counties and municipalities, poses some difficulty for the Department. First of all, the primary and secondary routes to be designated should be those which relate to emergency responses to radiation accidents at fixed nuclear sites only. The United States Department of Transportation has acted upon and has emphasized the integrity of shipping containers, recognizing the impossibility of tracking all radiation shipments on routes. Basically, what that says is that in the event of an accident along a route, that the container is failsafe in terms of spilling its contents.

Also, we have a concern with respect to the jurisdiction of the Department with respect to those local roads, county and municipal roads, roads that are not within the jurisdiction of the state Department of Transportation which might be designated for use in reaching or leaving a nuclear site in the event of an emergency response. Our question here is, to what extent is it intended in the bill that the state supercede local jurisdiction? Also, should these municipalities and counties be responsible for any required construction and maintenance if it is decided that they have absolute jurisdiction?

With respect to the construction and maintenance of the designated routes, it is not clearly addressed and again, we have to come back to that issue. We have been

before the Legislature several times this year with respect to our money woes and I don't think anybody who is on the Committee is surprised by that. But, we have a serious backlog of road improvement dollars. We have a serious deficit with respect to our operating and maintenance procedures and the counties and municipalities are no less affected by that. So, we should make clear that the Department of Transportation's planning, construction and maintenance functions under the statute, as well as any sub-divisions which are financed pursuant to Section 12, which relates to the assessment of nuclear facilities.

That is basically all the Department has to say with respect to this bill. We do urge its passage with the concerns that we have identified and again, we would support the bill as appropriate legislation. Thank you.

ASSEMBLYMAN STEWART: Did you mention a dollar figure that you felt would be needed?

MR. BRADLEY: Okay. We have two concerns with the dollars. In an emergency response situation, we're probably going to need some money with respect to manufacturing signs, placing signs, having staff ready in the event that we have to identify routes quickly and the figure that we've kind of pulled out would amount to about \$15,000 for the installation of such signs and approximately \$5000 per year for their maintenance and for the staff readiness. That's apart and separate from any planning capability that we'll probably have to have with respect to developing the emergency transportation plan and diverting staff to those particular duties.

ASSEMBLYMAN STEWART: Didn't you talk about it? I think it was you that mentioned that you already have a Civil Defense master transportation plan. Wouldn't that tie right in with this?

MR. BRADLEY: The emergency transportation plan is really related to the nuclear tax and we have developed that, as sponsored by the Civil Defense. We would ask that the DEP and the State Police take that into consideration and, perhaps, look for refinements in that particular plan.

ASSEMBLYMAN STEWART: Thank you very much.

MR. BRADLEY: You're welcome.

ASSEMBLYMAN STEWART: The next witness is William Saller from PSE&G.

W I L L I A M S A L L E R: Good afternoon, Mr. Chairman and members of the Committee. I'm Bill Saller from Public Service Electric and Gas Company and with me I also have Charles Burge who is an engineer in the Electric Production Department. He has worked at Salem. He has been working with the State representatives in connection with our emergency response plans involving Salem during drills. So, if there are any questions, I'm sure that he can respond to them.

In connection with the bill, I don't have any written statement, but I do have a few comments and recommendations.

On page 2, section 4, this covers what should be included in the emergency response plans and since the Nuclear Regulatory Commission at the federal level and the Federal Emergency Management Agency have been drawing up guidelines, we feel that something should be mentioned in this section that whatever guidelines the state comes up with should be in conformance with the guidelines that are established at the federal level so that there are no contradictions between federal and state regulations. I don't think FEMA is mentioned at all anyplace in the bill.

On page five, section twelve, this is the section which covers the funding of the expenses associated with the emergency radiation response plans and the bill

provides for two things: the imposing upon the electric utilities a maximum of one tenth of one percent of the gross revenues to fund this. I have two comments here. One, in connection with the additional one tenth of one percent, during the last session and during the last few weeks, there has been a lot of discussion about the gross receipts and the franchise taxes and the philosophy behind that and I know many Assemblymen that have major nuclear energy facilities have expounded on this and we feel that the municipalities and the areas that are benefitting in taxes through the gross receipts tax because they have major energy facilities, the gross receipts tax revenues should be utilized to fund this. Last year, our company alone paid approximately \$300 million in gross receipts and franchise taxes and we feel that there is sufficient money there that this money should come from those tax revenues to pay for the emergency response plans, rather than adding another small percentage of tax on top of it already.

In connection with the revenues that are to be taxed, the bill states "electric utilities". Our company, I guess, is unique. We are a combination company, electric and gas, and last year, we had a little over \$700 million in gas revenues. I would like to suggest that in four locations, in paragraph 12B, at the beginning of line 11, the word "electric" be inserted before the word "operations"; on line 17, "intra-state electric" be inserted after the word "gross"; again on line 18, the word "electric" be added after "intra-state"; and on line 22, "intra-state electric" be added after the word "gross". So, we would be talking about intra-state gross operating revenues. You're talking about intra-state revenues and you're talking about electric utilities. I make those recommendations just so that our \$700 million of gas revenues are not taxed for something that is electric. Of course, I still feel that there should be no gross receipts tax at all. I would like to emphasize that.

Basically, those are my comments. Thank you.

ASSEMBLYMAN STEWART: Bill, how many companies would fall under this definition of intra-state? How many taxpayers do we have? Do you have any idea?

MR. SALLER: Well, all the major electric companies, Atlantic City Electric, Jersey Central Power, and Public Service, and also Rockland Electric. I'm not that familiar with Rockland's electric operations, but you're talking about the revenues derived from the customers within the State of New Jersey, which is the way your bill is now worded. What I was recommending was that you not add another small percentage of the gross receipts tax.

ASSEMBLYMAN STEWART: I got that message. One of the things I was interested in finding out was how many companies we are talking about, first of all. Second of all, how many rate payers are we talking about, roughly?

MR. SALLER: My comments in connection with excluding the gas revenues only apply, I believe, to Public Service Electric and Gas Company, because Atlantic City and Jersey Central are not in the gas business. They are purely electric.

ASSEMBLYMAN STEWART: We talked before and you estimated that there probably is somewhere around two to two and a half million electric rate payers in the State.

MR. SALLER: Yes. We have approximately 1.6 or 1.7 million electric customers in the state. I could check it for you exactly.

ASSEMBLYMAN STEWART: That would be 70% of the market, roughly?

MR. SALLER: Something like that. So, I would guess there are approximately 2.25 million electric customers in the state.

ASSEMBLYMAN STEWART: Other than going to the gross receipts tax and other than going to the general revenue, do you have any suggestions as to how to raise what really is a small amount of money?

MR. SALLER: I think this is one of the purposes of the gross receipts tax, to pay a tax to those municipalities and areas for the burden that they are carrying because of the major energy facilities in their area.

ASSEMBLYMAN STEWART: But, you heard the fellow from Ocean County who said this morning that Lacey Township gets all revenue and they get all the problems. How would Ocean Township solve their problems from the gross receipts tax that they don't receive?

MR. SALLER: I think that was taken care of in Lower Alloways Creek when you had a bill signed a year or so ago which allows them to donate approximately \$250,000 to their neighboring communities or the county for such facilities.

ASSEMBLYMAN STEWART: Are you saying that maybe we ought to change the wording of that bill and say instead of "you may give it to the rest of the communities", "you shall give it?"

MR. SALLER: Well, that's a political decision, but it is a solution.

ASSEMBLYMAN STEWART: As the sponsor of that bill, that was why the legislation was passed. That allowed them to appropriate, between them, up to half a million dollars.

MR. SALLER: In that manner, the money would be coming from the gross receipts tax.

ASSEMBLYMAN STEWART: To your knowledge, did Lacey Township appropriate any funds to anybody?

MR. SALLER: I'm not aware of any.

ASSEMBLYMAN STEWART: Okay, any other questions? Thank you very much for your time.

MR. SALLER: Thank you.

ASSEMBLYMAN STEWART: Next is Jim Knubel from Jersey Central Power and Light.

J A M E S K N U B E L: Good afternoon. I have Jim Anderson with me from our Regulatory Affairs Department. My name is Jim Knubel. I am the supervisor of nuclear research and licensing for Jersey Central Power and Light.

I was told that the best way to kill a bill is to support. I guess we don't have any major objections to the bill, except on two specific points and then I would like to make a few comments.

I guess we support what Public Service said about the assessment of an additional tax above and beyond the gross receipts tax to help support this. I would also like to comment that the funding, although there are no other facilities as defined as facilities in the bill, within the state presently, new facilities that might be added would not pay their fair portion because they might not be electric utilities, such as the other things that are mentioned such as waste disposal and handling of fuel processing facilities.

I'm not sure that I have the answer as to how to fund. I can tell you how the NRC funds themselves and that is they assess a specific charge associated with each--well, they have a license charge, plus a charge for each request for an amendment or change to your license which is really based on the amount of work that is going to be required of them and that is how they partially fund some of their operations.

The other specific item that we take a little bit of exception to is the section on page 7, which gives the Department and Division the authority to enter and inspect any building or place. Although it is in here, I would point out that, as OSHA found out, although it is in a bill like this, it still may require a warrant,

depending on if the utility or whatever the facility is requests one. I just point that out.

MR. MILLER: That's also in the Radiation Protection Act. That's already law in another portion, again, of the bill to which this is a supplement. That doesn't answer the question. That is simply to say that that kind of provision has been established before. It is not a totally new item.

MR. KNUBEL: Okay. The other comments that I have are kind of general in nature and Mr. Tyler answered a lot of my concerns. But, he did bring out the fact that the federal government is presently reviewing state plans. It is reviewing the plan for the Salem units that Public Service owns. It is reviewing emergency plans for the Oyster Creek plant. As a matter of fact, they will be at the plant on April 22. If anyone is interested in attending, it is open to the public. The only thing I would like to insure is that the comments that are made by the NRC and FEMA on the PIPAG document are used as the cornerstone for the new state emergency plan and I think Mr. Tyler, in his comments, said that that would be the case.

The other problem that I have is that I feel that the bill is kind of narrow in scope and because of its narrowness, it may preclude some federal funding. What I mean is that although a nuclear emergency is a possibility, so are a whole bunch of other natural and man-made disasters and I feel that this plan should come under the umbrella of an overall emergency plan, to put it in perspective, so that it could receive federal funding, which would help offset some of the payments that our customers or taxpayers would have to make.

I think that's all I have to say. Thank you.

ASSEMBLYMAN STEWART: Thank you very much.

MR. KNUBEL: Someone had a question before about Lacey Township and I think maybe I could answer it.

ASSEMBLYMAN STEWART: That is a question that was just asked five minutes ago and the question was whether or not they had ever appropriated any of the money that they are allowed to appropriate to the county?

MR. KNUBEL: As of now, they have not.

ASSEMBLYMAN BENNETT: Earlier today, we heard that any plan that would be implemented and the present state-wide plan, we would depend on the utility to notify the State Police. Now, obviously, if it is a major significant accident that happens, there will be little doubt. What guidelines, if any, would be followed now, before a phone call would be made to the State Police to come in?

MR. KNUBEL: Okay, as of right now, and it is presently under review by the NRC, we have a list of about fifteen or twenty specific items--but it is not just limited to that--which are items which would require notification of the State Police immediately and this is a direct line to the State Police. We have submitted a new plan, January 1, 1980, which is presently under review and it will list four categories of events and it goes from like fifteen up to about thirty-five different events that could require immediate notification to the State right now. The purpose of the federal government review is the review of the State plan and Public Service's and Jersey Central's plans to make sure that they mesh and to make sure that they are complimentary. So, that's why we're being reviewed at the same time as the state.

ASSEMBLYMAN BENNETT: Your obligation now is to notify the State Police, but the way I understand it is that they in turn would notify not only the state, but they also would be notifying the county and local officials and that would take the burden off of you.

MR. KNUBEL: That's true. We also have an agreement to notify the county and the local officials ourselves.

ASSEMBLYMAN BENNETT: Under what agreement?

MR. KNUBEL: Just a local agreement that we have established between ourselves, Lacey Township and Ocean County.

ASSEMBLYMAN BENNETT: If, in fact, it is not a major accident, and in fact, it is leaking gas or leaking waters that could be radioactive, then to whom do you report?

MR. KNUBEL: Well, depending on the nature of it, we might only report it to the Nuclear Regulatory Commission and that could be anywhere, depending on the type of event that is listed in the plant's operating license, it could be immediately--and immediately is defined as less than an hour, but as soon as possible--up to, well, it could be as long as two weeks, if it is something that is really minor.

ASSEMBLYMAN BENNETT: Who makes the determination as to the degree of magnitude as to whether or not it is really minor or, in fact, could be detrimental to the health, welfare and safety of the people?

MR. KNUBEL: You're asking two questions at once.

ASSEMBLYMAN BENNETT: Well, who makes the determination.

MR. KNUBEL: The station management makes the determination as to whether or not the state has to be notified. The state makes the determination as to whether it is detrimental to the health, welfare and safety of the public and therefore requires them to activate parts of their plan. We make recommendations to them.

ASSEMBLYMAN BENNETT: But, isn't the plant manager making the determination himself when he makes the decision whether or not to notify the State.

MR. KNUBEL: No, not necessarily because some of the events that we notify the state for are things that, potentially, could lead to a release of radiation, but may not have. So, if everything goes the way it should, we will call them back fifteen minutes later and say, "Everything is under control," and it will essentially be a communications exercise. But, the whole point is that it is based on the potential threat.

MR. MILLER: Another way of getting at what I think the Assemblyman is trying to get at, are there clearly defined thresholds of seriousness that justifies an immediate call or a call only to certain agencies or to say, "This can wait"?

MR. KNUBEL: Yes.

MR. MILLER: Are those written down somewhere?

MR. KNUBEL: Yes. They are written down in the present emergency plan and they are written down in the station's procedures.

MR. MILLER: Could we get a copy of those?

MR. KNUBEL: Sure.

MR. MILLER: I didn't know they existed until now.

ASSEMBLYMAN BENNETT: I have no further questions.

ASSEMBLYMAN STEWART: Thank you very much.

MR. KNUBEL: Thank you.

ASSEMBLYMAN STEWART: Janine Bauer from the New Jersey Public Interest Research Group?

J A N I N E B A U E R: Good afternoon. My name is Janine Bauer and I am representing the New Jersey Public Interest Group. PIRG is a non-profit, non-partisan state-wide organization with more than 25,000 members. We research, lobby and litigate issues

of consumer and environmental protection.

I would first like to state that the Radiation Accident Response Act is a very necessary bill and we are very much in support of it and hope it passes. Hopefully, it will mitigate some of the adverse impacts in terms of public health in case of a nuclear accident.

However, we have some changes that we would like to suggest. I thought they were pretty much minor or technical before I came over here, but then I think that's what everybody thought of their amendments.

First, to ensure that the public is adequately prepared in case of a nuclear emergency, we suggest that utility companies should be required to distribute evacuation plans in utility bills or separately throughout the state twice a year.

In Section 4, lines 18 to 20 in the bill now, it just suggests a plan and a notification, but it doesn't go as far as our suggestion does.

Five years ago, PIRG petitioned the Board of Public Utilities to do this, but they claimed they didn't have jurisdiction. So, we feel that the bill should mandate that utilities do this twice a year.

Also, in Section 4, the designation of municipalities and counties to be included in the State Radiation Emergency Response Plan should not be left to the discretion of the DEP. It should be mandated that every municipality of county along a nuclear transport route as well as in the area of a nuclear facility be included in the plan. In other words, the DEP shouldn't just designate which municipalities should and shouldn't be included. If you did this by county, it would include the following counties, and this mostly concerns nuclear transport, but it also includes facilities: Bergen, Essex, Union, Middlesex, Mercer, Burlington, Camden, Gloucester, Ocean and Salem. That is ten of the 21 counties in this state.

Also, we have an addition in Section 4. In addition to training programs for all personnel who may be involved in a radiation emergency, the state should also provide appropriate equipment that would be needed for whatever their particular response is. For example, geiger counters that measure alpha, beta, and gamma should be provided to local police departments and police personnel should be trained in the use of this sophisticated equipment.

Following an evaluation of existing medical facilities in section 9 of the bill, there should be an upgrading of the facilities along nuclear transport routes as well as in nuclear facility areas to assure adequate treatment and quick treatment of victims exposed to radiation. This would include medical facilities in at least Salem and Ocean Counties as well as communities along the New Jersey Turnpike, Route 17 in Bergen County, and Route 80 where Route 80 connects with 17 and the Turnpike. Our feeling, and we have not done any extensive research on that, is that the medical facilities are probably not up to par to handle this, if a serious emergency were to exist. Thank you very much.

ASSEMBLYMAN STEWART: Thank you. Elizabeth Sayen?

E L I Z A B E T H S A Y E N: My name is Elizabeth Sayen from Princeton. I am just representing myself today. I have some very informal comments today.

I commend you for writing this bill. I think it is very necessary. I think it needs maximum publicity. I think that the problems that have been discussed here have exposed the very, very serious and deep problems of nuclear energy which worried me for a great many years and a great many other citizens feel the same way. I feel that this bill has brought out in the open some of the true costs of nuclear power

that the utilities fail to mention when they say that it is the cheapest form of electrical generation. It also is bringing out the major dangers that this technology affects as far as the public goes. I feel very strongly that your opening remarks here, that the Legislature finds and determines that the citizens of New Jersey are entitled to the maximum protection possible from any and all threats to their health and welfare which may result from a radiation accident at a nuclear facility or during the transportation of radioactive material and I feel that no matter how hard you tried to do this and no matter how many marvelous suggestions that the very dedicated and serious people have made here this afternoon and this morning to this bill, I still don't feel safe. I still don't feel that without real rehearsals, real implementation, that a paper plan will really do anything. It may satisfy the NRC regulations, it may satisfy all kinds of ideas that people have about how they can really make something safe, but I don't think you are going to know until you try it. One of the things that disturbed me very much was when I went out of the room to talk to George Tyler for a moment. He said that there is no way that we can protect the public from a Class 9 accident. If we can't protect the public from a Class 9 accident, why are we even allowing these utilities to even build these plants in New Jersey? We have two with licenses and another one is just about to get one. Has the State considered doing anything about stopping that licensing of Salem 2 and stopping the further construction of Hope Creek 1 and 2? Shouldn't there be, by this time, a feasibility study? I know that the Legislature tried. The Governor didn't sign it, but isn't it high time we went into technology that wasn't so dangerous to the public. It amazes me that a utility that, granted, is regulated, but that is, at the bottom line, a profit making corporation, is allowed to turn the state and the citizens of this state and local municipalities and counties upside down, wrong side out and sideways so that they can make more profits when there are other ways to generate electricity. So, although I think it is commendable what you are trying to do and what you are trying to think of and what you have allowed people to suggest that you will incorporate in your very fine bill, it still isn't going to solve the problem. We are trying to deal with a technology that is beyond us and it isn't just in this state. When listening to Assemblyman Baer, my mind was boggled. He thought of so many ways, that no matter how many plans you make, they won't help you. I don't know whether you think of this-- you probably don't because you have a great deal of other concerns--but any time there is a very bad storm or a blizzard, I always think, "Thank God there isn't a nuclear plant erupting now and spreading radiation across the country." We are just hostage to our environment and part of our environment is our weather. We can't control it, but we can choose a technology that is not going to cost so much money. Nearly every department or I guess every Department who testified here today mentioned higher amounts of money that are going to have to be spent and it is going to be ongoing. It isn't going to be just one time and that is it. So, I'm just here to say, thank you very much for coming up with this bill. We needed this coverage. The public needed to know what the dangers, what the costs are going to be and we still haven't finished. We haven't addressed the waste. We haven't addressed the de-commissioning and we haven't even addressed what we will do if there is any kind of terrorist action, such as we are trying to deal with in Iran, which doesn't even concern radioactivity. But it is going to be just as tricky if somebody decides to waylay one of those trucks and the trucks that are on the highway today are not the trucks that they show you in the films, that they tested for all these various contingencies. So, there are a great many things about technology that I feel really knock it out as far as going

on with it. I thank you very much for making it possible for the public to understand some of these very, very serious problems associated with this technology. Thank you.

ASSEMBLYMAN STEWART: Thank you for joining us. Is there anyone else that we've neglected to call? (No response) Thank you all for attending the public hearing. The record will remain open for another two weeks from today for those of you who would like to submit any additional testimony. I will now call the public hearing closed.

(Hearing Concluded)

THE BOARD OF CHOSEN FREEHOLDERS

Ocean County

Toms River, New Jersey

08753

Robert A. Gasser
Freeholder

201-244-2121
Ext. 420 or 421



April 8, 1980

STATEMENT TO ASSEMBLY AGRICULTURE AND ENVIRONMENT COMMITTEE

FROM FREEHOLDER ROBERT A. GASSER

Gentlemen:

As a member of the Ocean County Board of Chosen Freeholders and one deeply involved and concerned with the issue of safety for the residents of Ocean County, I wish to present to you my comments concerning Assembly Bill 966.

Firstly, I feel that the various time frameworks of eighteen months set forth in the Act are far too long for the health and welfare for the people of Ocean County, especially in light of the continuing problems existing at Oyster Creek. It is my sincere and firm belief that a plan which is realistic, appropriate and effective should have been in place long before this. To permit a furtherance for a period of eighteen months will only provide a period of great risk and potential danger for the residents of Ocean County.

Reference is specifically made to the provisions of Section 5, which discusses the responsibility of the municipality wherein a plant is located. It is my sincere belief that that should encompass not only the community wherein the plant is located, but also communities immediately adjoining that municipality. This is especially true in the case of Ocean County in light of the fact that the Oyster Creek plant is located on the borders of Lacey and Ocean Townships. The immediate effect of a nuclear accident would be felt not only by Lacey Township, but also by the residents of Ocean Township. Therefore, they should have the kind of supervision, assistance and attention that is envisioned in Section 5 of this bill.

Lastly, and probably most critically, I find a continuing failure to come to grips not only by this Assembly Bill 966, but also by the Bureau of Radiological Protection to establish a realistic and effective definition of who and when, in fact, an emergency situation exists. I directed my questions specifically to the Bureau of Radiological Protection and was informed that in order to set an evacuation plan in effect that Jersey Central Power and Light would be responsible to call the State Bureau of Radiation and the New Jersey State Police. I find such a triggering outrageous in concept for it in fact allows the wolves to guard the chickens. Further, any such plan is in fact an illusion because the officers and engineers of Jersey

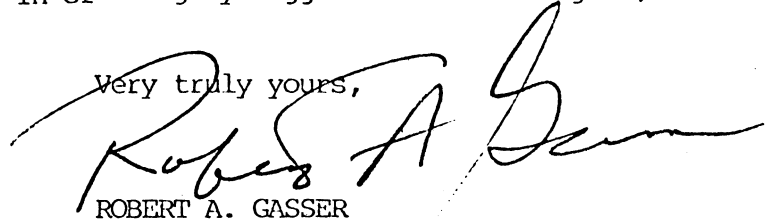
Statement to Assembly Agriculture and Environment Committee
From Freeholder Robert A. Gasser
April 8, 1980

Central Power and Light are going to think more than once before they trigger such a responsibility and will more than likely first call their superiors at GPU. It is my understanding that Three Mile Island is a typical example of these affairs in light of the allegation that it took five or six hours for Three Mile Island to contact even the NRC.

There is only one way to have a plan that will be effective. It is absolutely necessary to establish a program wherein a state-employed independent monitor is present twenty-four hours a day, three hundred sixty-five days per year, whose allegiance is not to the stockholders, not to the board of directors, but to the citizens and residents of Ocean County and New Jersey. Without such mechanism to trigger your plan, it is my sincere opinion that you are doing a great disservice to the people of Ocean County, New Jersey, by creating the illusion and the notion that they are being protected by a plan of evacuation.

If I can be of any further service in offering my suggestions and thoughts, please call upon me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Gasser". The signature is written in a cursive style with a large, sweeping "R" and "G".

ROBERT A. GASSER

RAG:tb



EIA/EMERGENCY
Response

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
JOHN FITCH PLAZA, P. O. BOX 1390, TRENTON, N. J. 08625

April 27, 1979

Assemblyman Donald Stewart
188 W. Main Street
Pennsgrove N. J. 08609

Dear Assemblyman Stewart:

As I promised when I testified before your Committee on April 3, 1979, I have enclosed a copy of a list of the additional equipment our Bureau of Radiation Protection would require to immediately upgrade our emergency response capabilities with respect to the nuclear reactors in New Jersey.

In general, this type of upgrading would suffice both for the two presently operating reactors and for the third unit about to commence operation in Salem County (Salem No. 2). The list is contained in the attached memorandum from Mr. Eugene Fisher, Chief of the Bureau of Radiation Protection to Mr. George Tyler, Director of our Division of Environmental Quality.

In addition once this technical support capability, totalling roughly \$490,000, has been procured, you should be aware that some annual expenditures will be necessary each year to maintain the equipment and emergency procedures in top operational condition. This would include the salaries of two nuclear engineers needed to augment and assist our present nuclear engineer as additional reactors come on line.

This list has already been forwarded to the Governor's Office in conjunction with the proposed Radiation Accident Response Act you discussed with Commissioner O'Hern last week.

If we can provide you with any further information along these lines, please feel free to call upon us at any time.

Sincerely,

Glenn Paulson

Glenn Paulson, Ph.D.
Assistant Commissioner
for Science and Research

GP:pd

Attachments

cc: Commissioner O'Hern
Deputy Commissioner Wilson
Assistant Commissioner Arbesman
Director Tyler
Director Mattek

TO Mr. George Tyler, Director, Division of Environmental Quality

FROM Mr. Gene Fisher, Chief, Bureau of Radiation Protection DATE April 20, 1979

SUBJECT Improvements in New Jersey's Nuclear Emergency Response Capability

In an effort to provide you with an up-to-date list of equipment needed to augment the Department's capability in assessing a serious accident at either of the two operational nuclear generating stations, the following items should be considered:

1. A complete environmental monitoring telemetry system to be located at selected sites near the nuclear reactors and further inland. This system would consist of pressurized ionization chambers capable of monitoring the slightest increase in radiation levels effecting the environment and would provide continual readings to the Department's central control location. The instrument of choice is the Reuter-Stokes System of which the Bureau has had some experience and which can be telemetered into the now existing air monitoring network. A total of 18 monitors and converters would be necessary. The cost of such a system for complete installation is estimated at \$300,000.
2. A permanent meteorology system to be installed at selected locations near the nuclear generating stations and further inland. A total of six systems would adequately provide the Department with up-to-date meteorology conditions. The systems would also be telemetered into the Department's central control location. The cost for the system is estimated at \$18,000.
3. Improvement of the Department's forward command post (FCP) at Forked River Marina. After using the FCP in drill situations, the Bureau staff has concluded that additional space and privacy are required to adequately assess an accident situation and prescribe protective action levels. A trailer similar to those used at construction sites would be desirable and could serve as the FCP and as a monitoring/met station. The cost of such a trailer is estimated at \$10,000.
4. A Thermoluminescent Dosimetry System (TLD) is needed for the measurement of low-level radiation. This system measures cumulative radiation and comes equipped with environmental monitors and a reader to instantly read or measure the radiation levels. A system of this type was on loan to the Bureau during the Harrisburg TMI incident and was extremely valuable in detecting low radiation levels on both a short term and long-range basis. The cost of such a system equipped with a reader and one hundred (100) environmental detectors is estimated at \$20,000.

\$300,000

\$18,000

\$10,000

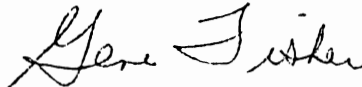
\$20,000

5. The Department is in need of at least two more Nuclear Engineer. With a potential of six on-line reactors in the next five years, one engineer cannot handle the workload nor can he be an expert on each plant and its potential impact on the environment. The salary cost for a nuclear engineer position is \$50,000.
6. The Bureau is in need of at least eight Department radios. At present, we have but one DEP radio and that's installed in the Mobile Response Van. The cost of these radios is estimated at \$12,000.
7. The Bureau's response to the Harrisburg Incident indicated a need for two more laboratory support vans. These vans are used to set out and retrieve the various radiation sampling devices. The cost for two vans is approximately \$28,000.
8. The Bureau is in need of additional and back-up portable survey meters to be used during radiation incidents. The following instruments are requested:
 - a. Six (6) Eberline Model PRM-7 with an exposure range of 1 mR/hr to 5 mR/hr. This portable survey meter is comparable to the fixed Reuter-Stokes monitors and is ideal for monitoring near background levels. The cost for six meters is estimated at \$6,600.
 - b. Four (4) Eberline PAC-45 with a detecting range of 1 to 2×10^6 cpm. This meter is compact and used previously to detect alpha radiation. The cost for four meters is estimated at \$4,000.
 - c. Four (4) Victoreen Model 740F, 740G. This meter is an alpha and beta detector. The cost of four meters is estimated at \$3,000.
 - d. Four (4) Victoreen Model 490 with a 484-4 probe. This meter is a compact G-M survey meter. The cost of four meters is estimated at \$2,000.
9. The Bureau is in need of an additional back-up high and low resolution gamma spectrometry system and associated electronic components. The high-resolution gamma spectrometry system has been the most useful system because of its ability to resolve complex gamma spectra. The low-resolution higher efficiency gamma spectrometry system is needed to evaluate the less complex spectrum. The following components are required to complete the systems:
 - a. GE(Li) detector - \$12,000
 - b. High Voltage supply 900
 - c. Spectroscopy amplifier 900
 - d. Gated Analogue Router 2,000
 - e. Lead Shield 4,000
 - f. Two NaI(Tl) well-type detector 3,300
 - g. Multi-channel analyzer 6,000

\$19,100

10. The Bureau's air monitoring system needs to be improved by adding more samplers to the system and more back-up samplers readily available for emergencies. Our current inventory comprises twelve samplers and our experience in the TMI Incident has shown that at least 25 additional samplers are required to effectively monitor the State borders and its interior. The cost of the additional samplers is estimated at \$6,250.

11. The Bureau is in need of emergency support equipment to augment its field activities during a radiation emergency. This equipment would be used for the safety of personnel and would enable the Bureau to more effectively ascertain the radiological problem. The equipment would consist of a variety of emergency items including, but not limited to respiratory protective equipment, anti-contamination suits, decontamination equipment, portable power supplies, and associated tools. This equipment is designed for nuclear emergency response and is not always available on a timely basis from other Departmental agencies during a crises situation. The cost of such equipment is estimated at \$12,000.



Gene Fisher
Chief
Bureau of Radiation Protection

GF:jm

TESTIMONY FOR THE ASSEMBLY AGRICULTURE AND ENVIRONMENT COMMITTEE
ON A.966 by WILLIAM S. SINGER, LEGISLATIVE AGENT

Good day. My name is William S. Singer. I am the Legislative Agent for the League for Conservation Legislation, a coalition of environmental groups and interested individuals in the State of New Jersey.

I am pleased to testify today before the Assembly Agriculture and Environment Committee on A.966, "The Radiation Accident Response Act." I commend Assemblymen Stewart and Herman for their sponsorship of this important legislation.

The public utilities and the public officials of the State of New Jersey have determined that New Jersey will rely to some extent on nuclear generating facilities for its necessary electric power. In addition, because of its vital location, New Jersey highways provide the network for the transportation of radioactive materials. Therefore, it is incumbent upon the State to be prepared for any possible threat to health and welfare which may result from an accident at a nuclear facility or during the transportation of radioactive material. The Department of Environmental Protection and the State Police have begun the development of a proper response program. That effort has been curtailed by lack of specific funding and statutory guidance.

A.966 develops procedures for the promulgation of emergency response plans. Rightfully, the cost for such plans are to be borne by the electric utilities in this State which have ownership or operating interest in nuclear facilities located in New Jersey. Recently, DEP has asked for a restoration of an appropriation to its annual budget to fund the costs associated with the development,

testing and updating of the State's ability to respond to a nuclear accident. However, the framework set forth in this bill is preferable and will distribute the cost in a more sensible manner.

In this bill, the departments designated to formulate the emergency response plans are required to have plans in place at least six months prior to the projected commencement of operations of any nuclear facility. While this objective is important, the language should be strengthened in order to make it mandatory. LCL suggests that this language be changed so that no new nuclear facility would be put into operation unless such plans have been provided. The existence of the response plans should be made a prerequisite to the operation of a nuclear facility.

In addition, the public participation element in the development and review of the plans should be strengthened. Before the county plans are approved, there should be mandatory public hearings. Furthermore, the various departments which are involved in the different elements of the plans should be required to hold public hearings on those particular elements.

Oversight of the implementation of A.966 should also be clarified. Unfortunately, legislative mandates often get lost in bureaucratic shuffles. There does not seem to be any guarantee in this bill that the various departments, municipalities and counties will implement the plans. Possibly a report to the Legislature or a specific legislative committee should be sought in order to insure compliance with the important objectives of this bill.

In addition, in section ten of the bill, the Department of Transportation should also be asked to evaluate and prepare plans for problems in the transportation of radioactive materials.

LCL endorses the intent of this bill to this Committee and urges the Committee to give it prompt consideration for speedy legislative action.

Thank you.

BRANT BEACH HOME OWNERS ASSOCIATION

P.O. BOX 182

SHIP BOTTOM, NEW JERSEY 08008

April 15, 1980

Norman Miller, Aide
Assembly Agricultural & Environmental Committee
State House
Trenton, New Jersey 08625

Dear Mr. Miller:

Our organization recently became aware of the interest of Assemblyman H. Donald Stewart of Salem County of evacuation plans in our area.

At a recent discussion before the Long Beach Island of Council Taxpayers Organization it was pointed out, in our view, that many local residents are not aware of the evacuation plans for a nuclear disaster or other major types of disasters, including hurricanes.

Approximately 2 years ago a sheet was delivered to the news media and through local governmental agencies describing evacuation plan features and information. However, we do have a large number of people who have moved into our area since that time and many others who have moved out and it is not necessarily guaranteed that the previous information has been passed on during this transition.

We also have had a number of residents turn their seasonal residences into year round homes and they may also not be aware of this important information.

It is our belief that because of our proximity to the nuclear power facility in Forked River, New Jersey and the obviously high incidents of hurricane risk to our barrier island, it is necessary to have further dissemination of this type of evacuation information.

We specifically note that although we have a cable TV station on Long Beach Island it does not offer any local programs. If this station offered local programs, as we believe is mandated under existing Federal and State Communication franchise rules, this station could offer continuous updating on evacuation material and could alert local residents and vacationers to the importance of being alert to evacuation information.

During a recent power failure last week, it was clearly pointed out that many of our local communications media lost power at the same time that home owners did and they were unable to disseminate necessary information on the power outage.

We believe that County and local governments should periodically reissue evacuation data in printed form and through other media so that all residents are kept up to date on evacuation plans, routes and emergency procedures.

We also believe that the assistance of local realtors should be enlisted so that they disseminate this information to any potential visitors to our Island who are renting, subletting or purchasing property.

As a realtor, I am sure Assemblyman Stewart would know the advantages of enlisting the services of realtors in the dissemination effort.

Since Assemblyman Stewart has requested information on positions of people in Ocean County, we felt this information would be helpful to you in your evacuation plan study.

Our Ocean County Board of Freeholders is currently disseminating further information regarding the distribution of a pill that would retard the effects of radiation and they have also employed a radiological officer to assist in monitoring the impact of radiation leaks at the Forked River facility. These steps are important protection for the public in view of the time spent in developing the evacuation plan for the Island and we believe further dissemination and periodic dissemination of that plan is warranted.

We hope that this information is helpful to you in your study.

Respectfully submitted,



William J. McGinnis, Jr.
President

WJM/jg

