

SENATE, No. 205

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CONNORS

1 AN ACT establishing a New Jersey Coordinating Council on the
2 Decommissioning of the Nuclear Power Generating Facilities and
3 supplementing Title 52 of the Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. The Legislature finds that the decommissioning of a nuclear
9 power generating facility involves significant issues of public health,
10 safety and welfare of the residents of this State, and that there is a
11 reasonable possibility that, within the next 10-15 years, one or more
12 New Jersey electric generating nuclear plants may be decommissioned.

13 The Legislature therefore determines that there is an immediate
14 need to establish a mechanism for monitoring and coordinating the
15 development and implementation of decommissioning plans prepared
16 by electric generating nuclear facilities in the State, and the several
17 governmental agencies with regulatory responsibilities therefor, in
18 order to assure compliance with applicable federal and State laws and
19 policies, and that a council composed of State, county, municipal, and
20 public utility representatives would best achieve these goals and ensure
21 public and local government involvement in the decommissioning
22 process.

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24 2. a. There is established in, but not of, the Department of the
25 Treasury, a New Jersey Coordinating Council on the Decommissioning
26 of Nuclear Power Generating Facilities. Notwithstanding its allocation
27 within the Department of the Treasury, the council shall be
28 independent of any supervision or control by the department, the State
29 Treasurer, or any other departmental official. The council shall consist
30 of 11 members, comprised as follows: the Chairperson of the Board
31 of Regulatory Commissioners, the Commissioner of Environmental
32 Protection, the Commissioner of Community Affairs, and the
33 Commissioner of Commerce, Energy and Economic Development,
34 who shall serve as ex officio members, or their designees; two
35 members who shall be the mayors of each of the municipalities in

1 which an electric generating nuclear facility is located, and shall serve
2 as ex officio members; two members who shall be members of the
3 board of chosen freeholders of each county in which an electric
4 generating nuclear facility is located, with not more than one member
5 to be appointed from any one county; and three members who shall
6 represent the public utilities with electric generating nuclear facilities
7 in the State, with not more than one member to represent any one
8 public utility. The freeholder members shall be appointed for three
9 year terms, except that, in the case of freeholder members first
10 appointed, one freeholder member shall be appointed for a two-year
11 term, and one for a three-year term. Each freeholder member shall be
12 appointed by the county board of chosen freeholders on which the
13 member serves, and may serve as a member of the council as long as
14 that person remains a member of the board of chosen freeholders. The
15 three public utility representatives shall be appointed by the
16 management of each respective public utility. Any freeholder member
17 may be dismissed by the appointing authority for absence at three
18 consecutive meetings of the council or for other good cause.
19 Vacancies in the membership shall be filled in the same manner as the
20 original appointment.

21 b. The council shall organize as soon as practicable after the
22 appointment of its members. The Chairperson of the Board of
23 Regulatory Commissioners shall serve as the chairperson of the
24 council. The council shall also appoint a secretary who need not be a
25 member of the council. The council may meet and conduct business
26 with a quorum of six members except that all actions by the council
27 shall be by affirmative vote of six members.

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29 3. The council shall coordinate and review the development and
30 implementation of plans prepared by public utilities and governmental
31 agencies for the decommissioning of electric generating nuclear
32 facilities, and review the progress thereof to assure that the plans and
33 plan implementation comport with applicable federal and State laws
34 and policies. The council shall review plans, studies, schedules or
35 work relating to:

36 a. Estimates of the service life and the schedule for
37 decommissioning of the facility;

38 b. The physical decommissioning of the facility, including the
39 methods proposed for dismantling, decontaminating, sealing or
40 otherwise securing the facility and the site on which the facility is
41 located, and the proposed schedule therefor;

42 c. The estimated total costs of decommissioning, and the financial
43 plan for funding those costs;

44 d. An evaluation of the possible environmental impacts of the
45 decommissioning, and identification of any protective or abatement
46 measures that may be required on or off the site of the facility;

1 e. The storage or transportation of radioactive materials or wastes
2 from the facility;

3 f. Safety and security measures to be taken during a
4 decommissioning;

5 g. Sources and costs of replacement power required to meet
6 service area demands as a result of a decommissioning;

7 h. Any other matter affecting public health, safety and welfare.

8 As used in this act, "decommissioning" means any activities
9 necessary for the retirement or closing and removal of an electric
10 generating nuclear facility to ensure that the facility, the site of the
11 facility, and any radioactive materials at the facility or site are secured,
12 removed, or disposed of in accordance with applicable State and
13 federal laws. Decommissioning shall include activities undertaken to
14 prepare an electric generating nuclear facility plan for retirement or
15 closing, as well as to monitor and maintain the site after closing, and
16 to dispose of any radioactive materials or wastes.

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18 4. The council also shall serve as a central clearing house of
19 information on decommissioning for local, county and State
20 governments and the public, and, to the extent practicable, shall assist
21 local public and private entities in developing plans to lessen any
22 possible adverse effects of the decommissioning on the social and
23 economic life, including on the local tax rates and public services, of
24 a host and neighboring communities, or a host county.

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26 5. The council shall be entitled, after providing written notice to
27 the appropriate official at any electric generating nuclear facility in this
28 State of its intention, to inspect the facility and site, in order to assess
29 decommissioning plans and the progress of decommissioning work.

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31 6. The council shall be entitled to call to its assistance and avail
32 itself of the services of such officials and employees of the State and
33 its political subdivisions, or agencies or other instrumentalities thereof,
34 as it may require and may be available to the council. The council
35 may, to the extent that monies are available therefor, employ such
36 professional, stenographic and clerical assistance, and incur such
37 travelling and other miscellaneous expenses as it may deem necessary.

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39 7. a. Within 270 days following the organizational meeting of the
40 council, the council shall submit a report to the Governor and the
41 Legislature outlining the current status of any plans or proposals for
42 decommissioning electric generating nuclear facilities, and applicable
43 State and federal laws regulating the decommissioning of nuclear
44 facilities, and describing how they are being implemented. The report
45 may contain legislative or administrative recommendations deemed
46 necessary or useful to safeguard the public health, safety and welfare

1 of the residents of the State, and to assure the expeditious and safe
2 decommissioning of nuclear facilities.

3 b. Within 18 months of the organizational meeting of the council,
4 and at least annually thereafter, the council shall file with the Governor
5 and the Legislature a progress report on decommissioning plans or
6 activities in the State, which may contain any legislative or
7 administrative recommendations that the council may deem necessary
8 or useful.

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10 8. This act shall take effect immediately.

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13 STATEMENT

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15 This bill establishes a New Jersey Coordinating Council on the
16 Decommissioning of Nuclear Power Generating Facilities. The council
17 is charged with the coordination and review of the development and
18 implementation of plans prepared by public utilities and governmental
19 agencies for the decommissioning of electric generating nuclear
20 facilities in order to ensure that the plans comply with federal and
21 State laws and policies.

22 The bill provides that the council will consist of 11 members as
23 follows: the Chairperson of the Board of Regulatory Commissioners,
24 who shall serve as chairperson of the council; the Commissioners of
25 Environmental Protection, Community Affairs, and of Commerce,
26 Energy and Economic Development, the two mayors of the
27 municipalities in which nuclear facilities are located (Lower Alloways
28 Creek Township and Lacey Township); one freeholder from each of
29 the two counties in which nuclear facilities are located (Ocean and
30 Salem counties); and one representative each from the three public
31 utilities with nuclear facilities in the State (Jersey Central Power and
32 Light, Public Service Electric and Gas, and Atlantic Electric). The
33 freeholder members are to be appointed by their respective county
34 boards of chosen freeholders for three-year terms and may serve as
35 long as the appointee remains a member of the board of freeholders.
36 The utility representatives are to be appointed by the management of
37 each public utility. Vacancies on the council are to be filled in the
38 same manner as the original appointment.

39 The council would be required to review plans, studies, schedules
40 or work relating to:

- 41 (1) the useful life of each facility;
42 (2) the physical decommissioning of each facility;
43 (3) the estimated costs of decommissioning facilities and the
44 financial plan for funding those costs;
45 (4) the environmental impacts of decommissioning facilities;
46 (5) the storage, transportation and disposal of radioactive materials

1 or wastes from facilities;

2 (6) the safety and security measures to be taken during
3 decommissioning;

4 (7) sources and costs of replacement power required to meet
5 service area demands as a result of a decommissioning; and

6 (8) any other matter affecting public health, safety and welfare.

7 The council would also be required to act as a clearinghouse for
8 public information concerning the decommissioning of nuclear
9 facilities, and, whenever practicable, to assist public entities and
10 private groups in developing plans to ameliorate any possible adverse
11 effects the decommissioning may have on a host municipality or
12 neighboring municipalities.

13 The bill authorizes the council to inspect each nuclear power facility
14 in order to assess decommissioning plans, and the progress of
15 decommissioning work.

16 The bill allows the council to request assistance and avail itself of
17 the services of State and local officers and employees, as it may
18 require and as may be made available to it. Further, the bill authorizes
19 the council to employ professional, stenographic, or clerical staff and
20 to incur expenses to the extent that monies are available therefor.

21 Within 270 days of the organizational meeting of the council, it
22 shall submit a report to the Governor and the Legislature outlining the
23 current status of decommissioning plans or proposals, and applicable
24 federal and State laws regulating decommissioning, and describing
25 how they are being implemented. The council would also be required
26 to make annual progress reports to the Governor and the Legislature.
27 The council may include in its reports any legislative or administrative
28 recommendations as the council deems necessary or useful.

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33 Establishes a New Jersey Coordinating Council on the
34 Decommissioning of Nuclear Power Generating Facilities.