

27:5H-1 to 27:5H-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:5H-1 to 27:5H-5 (Nuclear waste Transport Commission-- establish)

CHAPTER 12

Laws Of: 1987

Bill No: A2630

Sponsor(s): Smith and others

Date Introduced: May 15, 1986

Committee: **Assembly:** Environmental Quality

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** September 8, 1986

Senate: December 9, 1986

Date of Approval: January 20, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 2630**STATE OF NEW JERSEY**

INTRODUCED MAY 15, 1986

By Assemblyman SMITH, Assemblywoman OGDEN, Assemblymen
Bennett, Schwartz, Baer and Mazur

AN ACT concerning the transportation of certain nuclear waste,
creating a Nuclear Waste Transport Commission, supplementing
Title 52 of the Revised Statutes, and making an appropriation.

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

1 1. The Legislature finds and declares that the State of New
2 Jersey, by virtue of its location, is one of the corridor states on
3 the eastern seaboard through which certain nuclear waste may
4 well be transported from its point of generation to its ultimate dis-
5 posal facility; that the citizens of the State are entitled to the
6 maximum protection possible from all threats to their health and
7 welfare which may result from the transport of these dangerous
8 materials through the State; that it is in the public interest for
9 New Jersey to actively participate in the process of designating
10 routes for the transport of certain nuclear waste through the State
11 and develop contingency plans at all levels of government in order
12 to ensure a swift and effective response in the event of a transport
13 accident; and that these objectives can most efficiently and effec-
14 tively be accomplished by delegating the responsibilities to a com-
15 mission representing the broad range of interests and expertise
16 appropriate to the tasks.

1 2. As used in this act:

2 a. "Highway route controlled quantity" means the same as it is
3 defined by the United States Department of Transportation at 49
4 CFR 173.403 or any superseding regulation.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted June 9, 1986.**

5 b. "Radioactive material" means the same as it is defined by the
6 United States Department of Transportation at 49 CFR 173.403 or
7 any superseding regulation.

8 c. "State-designated route" means a preferred route selected in
9 accordance with United States Department of Transportation
10 "Guidelines for Selecting Preferred Highway Routes for Large
11 Quantity Shipments of Radioactive Materials" or an equivalent
12 routing analysis which adequately considers overall risk to the
13 public.

1 3. a. There is created in, but not of, the Department of Trans-
2 portation, the Nuclear Waste Transport Commission. The com-
3 mission shall consist of ***[nine]*** *11* voting members, three of
4 whom shall be the Commissioner of Environmental Protection, the
5 Commissioner of Transportation, and the Superintendent of the
6 Division of State Police in the Department of Law and Public
7 Safety, or their designees, who shall serve ex officio; and ***[six]***
8 *eight* of whom shall be appointed by the Governor with the advice
9 and consent of the Senate.

10 b. Of the appointed members: two shall be county freeholders at
11 the time of their appointment, who shall not be of the same political
12 party and who shall be selected from a list of candidates recom-
13 mended by the New Jersey Association of Counties; two shall be
14 municipal elected or appointed officials at the time of their appoint-
15 ment, who shall not be of the same political party and who shall
16 be selected from a list of candidates recommended by the New
17 Jersey State League of Municipalities; ***[and]*** two shall be
18 members of a local environmental commission or recognized en-
19 vironmental organization*; *one shall be a representative of the*
19A *high level nuclear waste transporting industry; and one shall be a*
19B *representative of the high level nuclear waste generating industry*.*

20 c. Of the appointed members: two shall be residents of either
21 Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Sussex, or
22 Warren counties; two shall be residents of either Mercer, Middle-
23 sex, Monmouth, Somerset, or Union counties; ***[and]*** two shall
24 be residents of either Atlantic, Burlington, Camden, Cape May,
25 Cumberland, Gloucester***[, Ocean, or Salem counties]*** *; *one shall*
26 *be a resident of Ocean county; and one shall be a resident of Salem*
27 *county*.*

28 d. Each appointed member shall serve a term of three years,
29 except that of those first appointed, ***[two]*** *three* shall serve for
30 terms of three years, ***[two]*** *three* for terms of two years, and
31 two for terms of one year. Each of these members shall hold office
32 for the term of appointment and until a successor is appointed and

33 qualified. A member shall be eligible for reappointment. Any
34 vacancy in the membership occurring other than by expiration of
34A term shall be filled in the same manner as the original appointment,
34B but for the unexpired term only.

35 e. Each appointed member may be removed from office by the
36 appointing authority, for cause and after opportunity for a hearing,
37 and may be suspended by the appointing authority pending the
38 completion of the hearing. Each appointed member who shall miss
39 three consecutive meetings of the commission without being excused
40 for good cause by the chairman shall be deemed to have vacated
41 his office.

42 f. The commission shall organize as soon as may be practicable
43 after the appointment of its members. The Governor shall desig-
44 nate a chairman, who shall schedule, convene, and chair commission
45 meetings, and a vice-chairman, who shall act as chairman in his
46 absence, from the public members who shall serve at the will of the
47 Governor. The members shall select a secretary who need not be a
48 member of the commission. The commission may, within the limits
49 of any funds appropriated or otherwise made available to it for
50 this purpose, appoint such other staff or hire such experts as it
51 may require.

52 g. The powers of the commission shall be vested in the members
53 thereof in office. A majority of the membership of the commission
54 shall constitute a quorum for the transaction of business. Action
55 may be taken and motions and resolutions adopted by the commis-
56 sion at any meeting by the affirmative vote of a majority of the
57 full membership of the commission.

58 h. The members of the commission shall serve without compensa-
59 tion, but the commission may, within the limits of funds appro-
60 priated or otherwise made available to it, reimburse members for
61 actual expenses necessarily incurred in the discharge of their
62 official duties.

1 4. The duties and responsibilities of the commission shall be :

2 a. To establish criteria, in conformity with federal law and in
3 consideration of the unique needs of the State, for selection of
4 State-designated routes for the transport of highway route con-
5 trolled quantity radioactive materials through the State;

6 b. To identify and recommend to the Governor, or his designee,
7 and Legislature, and review periodically as necessary, but at least
8 annually upon the issue of the annual "Construction Program"
9 document or any substantially similar document prepared by the
10 Department of Transportation, the general State-designated routes
11 for implementation by the State, the United States Nuclear Regu-

12 latory Commission, and the United States Department of Trans-
13 portation;

14 c. To designate, pursuant to subsection b. of this section upon
15 each notification of an intent to transport highway route controlled
16 quantity radioactive materials through the State, the specific State-
17 designated route for that shipment, for implementation by the State,
18 the United States Nuclear Regulatory Commission, and the United
19 States Department of Transportation, and to immediately notify
20 the members of the Legislature through whose districts the selected
21 route passes;

22 d. To consult and cooperate, where appropriate, with the federal
23 government, regional and interstate organizations and agencies,
24 and other state governments in efforts to identify State-designated
25 routes so as to ensure maximum practicable consistency with those
26 of neighboring states;

27 e. To make recommendations with respect to the transport of
28 radioactive material and the response to accidents resulting there-
29 from for incorporation by the Department of Environmental Pro-
30 tection in the State Radiation Emergency Response Plan created
31 pursuant to P. L. 1981, c. 302 (C. 26:2D-37 et seq.); and

32 f. To review and evaluate existing local, county and State public
33 safety personnel training programs for response to radioactive ma-
34 terial transport accidents, and to make recommendations thereon
35 to the appropriate governmental entities.

1 5. In accordance with the provisions of the "Administrative
2 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the com-
3 mission shall:

4 a. Adopt any rules or regulations deemed necessary to effectuate
5 the purposes of this act; and

6 b. Conduct public hearings in carrying out its duties under sub-
7 sections a. and b. of section 4 of this act.

1 6. There is appropriated from the General Fund to the Nuclear
2 Waste Transport Commission the sum of \$20,000.00 to effectuate
3 the purposes of this act.

1 7. This act shall take effect immediately.

HAZARDOUS SUBSTANCE (CONTROL)

Establishes Nuclear Waste Transport Commission and appropriates
\$20,000.00.

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 17 designated route for that shipment, for implementation by the State,
 18 the United States Nuclear Regulatory Commission, and the United
 19 States Department of Transportation, and to immediately notify
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 23 government, regional and interstate organizations and agencies,
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STATEMENT

This bill would establish the Nuclear Waste Transport Commis-
 sion, a bipartisan and geographically diverse advisory body. The
 commission would, after engaging in a public hearing process and
 consulting with federal and other affected state governments,
 identify and recommend to the Governor and the Legislature the
 general, and actually designate the specific, "State-designated
 routes" for the transport of certain nuclear waste through the
 State for ultimate disposition elsewhere.

The commission would also periodically review the adequacy

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of these routes, suggest to the Department of Environmental Protection provisions concerning radioactive material transport for incorporation in the State Radiation Emergency Response Plan, and review and evaluate existing local, county, and State public safety personnel training programs for response to radioactive material transport accidents.

The sum of \$20,000.00 is appropriated from the General Fund to effectuate the purposes of this act.

HAZARDOUS SUBSTANCE (CONTROL)

Establishes Nuclear Waste Transport Commission and appropriates \$20,000.00.

ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY

STATEMENT TO

ASSEMBLY, No. 2630

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 1986

The committee favorably reported Assembly Bill No. 2630 as amended. This bill would establish the Nuclear Waste Transport Commission, a bi-partisan and geographically diverse advisory body. The commission, after conducting a public hearing and consulting with federal and other affected state governments, would identify and recommend to the Governor and the Legislature the general, and designate the specific, "state-designated routes" for the transport of certain nuclear waste through the State for ultimate disposition elsewhere.

The commission would also periodically review the adequacy of these routes, suggest to the Department of Environmental Protection provisions concerning radioactive material transport for incorporation in the State Radiation Emergency Response Plan, and review and evaluate existing local, county, and State public safety personnel training programs for response to radioactive material transport accidents.

The sum of \$20,000.00 is appropriated from the General Fund to effectuate the purposes of this act.

The Assembly Environmental Quality Committee amended the bill to increase the membership of the commission from nine to eleven; stipulate that one member represent Ocean county and one member represent Salem county, the two counties wherein nuclear power plants are currently located and; require that of the two members appointed, one represent nuclear waste transporters and one represent nuclear waste generators.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2630

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STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1986

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 2630 OCR.

This bill would establish an eleven-member Nuclear Waste Transport Commission, a bipartisan and geographically diverse advisory body. The commission, after conducting a public hearing and consulting with federal and other affected state governments, would identify and recommend to the Governor and the Legislature the general, and designate the specific, "state-designated routes" for the transport of certain nuclear waste through the State for ultimate disposition elsewhere. Under federal regulations controlling the transportation of nuclear waste, an interstate highway will be designated the preferred route for the transportation of nuclear waste unless an alternate route is designated by a State agency.

The commission would also periodically review the adequacy of these routes, suggest to the Department of Environmental Protection provisions concerning radioactive material transport for incorporation in the State Radiation Emergency Response Plan, and review and evaluate existing local, county, and State public safety personnel training programs for response to radioactive material transport accidents.

The specific membership of the commission would be as follows: the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, the Superintendent of the State Police, two county freeholders, two municipal officials, two members from local environmental groups, one member representing the high level nuclear waste transporting industry, and one member representing industries which generate high level nuclear waste.

This bill appropriates \$20,000.00 from the General Fund to the commission to carry out its responsibilities.