

AFFIDAVIT OF JAN H. FREEMAN

JAN H. FREEMAN, being duly sworn, does state under oath as follows:

1. I am Director of Public Policy for the Philadelphia Electric Company ("PECo"), and have held this position since September, 1991. I am responsible for the planning and briefing of federal, state and local elected and appointed government officials on issues of importance to PECO.
2. In March of this year, PECO, the Long Island Power Authority ("LIPA") and the General Electric Company ("GE") entered into an agreement for the transfer of slightly used nuclear fuel from the Shoreham Nuclear Power Station on Long Island, New York to PECO's Limerick Generating Station located in Montgomery County, Pennsylvania.
3. As part of PECO's decision making process regarding the shipment and receipt of the nuclear fuel, it was decided in May of 1993 that PECO should contact the appropriate state government officials in New Jersey and Delaware in order to apprise them of the possibility of a decision being made to select the barge/rail option. Similar contacts had been made with government officials in Pennsylvania.
4. Pursuant to PECO's decision to contact government officials in New Jersey and Delaware, in either late May or early June, I placed a call to Scott Weiner, who at that time was Commissioner for the New Jersey Department of Environmental

Protection and Energy (DEPE), to inform him of the barge/rail option and to ask that he arrange a meeting with appropriate New Jersey officials in order for LIPA and PECO to brief them on the possibility that the barge/rail option (an option that would take the nuclear fuel from Long Island off the coast of New Jersey and up the Delaware Bay and River) might be selected to transport the nuclear fuel. I knew Mr. Weiner personally from my previous position as Executive Director of the Pennsylvania Energy Office.

5. My conversation with Scott Weiner included a discussion of the barge/rail option. Mr. Weiner expressed concern over the possible route and timing of the shipments. We agreed to arrange a meeting so that we could brief his office on the particulars associated with the barge/rail option. The meeting was set up through DEPE Assistant Secretary Lance Miller's office. The original meeting date of June 14th was rescheduled for June 22nd at my request to accommodate a scheduling conflict.

6. The June 22nd meeting in Trenton, New Jersey was attended by representatives of LIPA, PECO and DEPE. In addition, and at DEPE's request, representatives of the U.S. Coast Guard were also present. The presence of the U.S. Coast Guard was an indication to me that DEPE had done their "homework" and realized that the Coast Guard had a role to play in the barge/rail option.

7. The June 22nd meeting (see attached list of attendees) went extremely well. After a formal presentation by PECO and LIPA personnel and the showing of a video on the integrity of the nuclear fuel transportation casks, there was a discussion on how

the Coast Guard was treating the shipment. A Coast Guard representative responded they are treating it like any other freight shipment. The DEPE staff acknowledged that New Jersey had no role to play and no need to approve the shipment. The DEPE went so far as to say "we hope you have good weather as you begin the process."

8. Prior to the June 22nd meeting in Trenton, a similar meeting was conducted on June 4th in Delaware City, Delaware with state emergency planning officials, representatives from the Division of Public Health, the State Police and other state agencies. Also in attendance was a representative from the New Jersey State Police, Sgt. Jim DeHart. (See attached attendance list.) The Delaware state officials were satisfied with the explanation of all emergency planning and security related activities.

9. On July the 8th, I participated in a telephone call with Rick Sinding, DEPE Assistant Commissioner for Policy and Planning. Gerald Nicholls, a member of the DEPE staff, also participated in the phone call. Rick Sinding indicated that Scott Weiner had asked him to call and express DEPE's concern over a possible decision to ship the fuel by barge off the coast of New Jersey and up the Delaware Bay and River. Mr. Sinding indicated that DEPE had "no lingering concerns over the substance of the shipment." They were concerned over the potential perception that might occur over the shipment, especially since they had already dealt with other environmental issues like the

dredging and disposal of dioxin sediment. Concern was also expressed over the potential timing of these shipments, i.e. the potential impact in the commerce associated with the summer vacation season.

10. During the course of that July 8th conversation, the issue of the possible application of the Coastal Zone Management Act (CZMA) came up. It was suggested that New Jersey was looking into the act for possible application. I alerted LIPA and PECO officials of my conversation and asked our legal department to take a look at the CZMA to determine the possible application of this statute. At the end of the July 8th call, it was suggested that Scott Weiner give me a call or possibly meet with me to address any New Jersey concerns. I was never contacted by Scott Weiner or anyone from DEPE to set up a meeting. In addition, I asked that Mr. Sinding call Rich Bonnifield at LIPA, the shipper of the fuel, in order to share DEPE's concerns with LIPA. I understand after having spoken with Mr. Bonnifield that Mr. Sinding spoke with him about a week later and made no reference to the CZMA.

11. The next time that I heard from the DEPE was when I was on vacation and received a message from my office that Rick Sinding wanted to speak with me. When we spoke sometime during the latter part of August, Mr. Sinding said that he had returned from vacation and saw an article in the Philadelphia Inquirer suggesting that LIPA and PECO we were going forward with the shipment. Mr. Sinding said he was asked by his superior, Jeanne

Fox, Acting DEPE Commissioner, to call me and express their concern that LIPA and PECO were considering moving forward with the barge option. Once again, I explained the reasons why the barge shipment would not present any health or safety risk. Mr. Sinding said that he could not disagree with what I said, but that DEPE had a concern over public perception. The possible application of the CZMA was not raised during that conversation. If anything, I felt that Mr. Sinding was sympathetic with our situation and would work internally to resolve any concerns still shared by his department.

12. I never heard again from Mr. Sinding or any other DEPE official regarding any concerns which they might have until I became aware of a September 8, 1993, letter sent by Jeanne Fox to the U.S. Guard, in which DEPE asserted that a CZMA consistency certification was required.

Sworn to and subscribed before me  
this 24th day of Sept, 1993

Jeanne Schwartz

NOTARIAL SEAL  
JEANNE SCHWARTZ, Notary Public  
for the Commonwealth of Pennsylvania, PHIL. County  
My Comm. Expires June 12, 1995

Jan H. Freeman  
Jan H. Freeman

NAME	ORGANIZATION	Telephone
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Till Lipoh	NTDEPE/RFP	609-987-6189
JTG Joseph Greenaw	USCG COTPNY/ALAMO	212-668-7933
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Ronald E. Silver	PCC Security	(215) 841-4293
BILL JONES	PCC, MEDIA RELATIONS	215-841-4129
JAN FREEDMAN	Phil. Elec. Co.	215-841-4643
SIVA KUMAR	LONG ISLAND POWER AUTHORITY	516-929-4177
Richard Bonni field	LIPA	516-742-220
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James W. Hoffman	DE PO	(302) 834-4531
Al Tapert	Del. Div. Public Health	302/739-3787
John Mohrman	DE DNREC	302/739-3694
<del>John P. Smith</del>	<del>DMH</del>	<del>(302) 577-2000</del>
Joe Freeman	Phil. Electric Co	215-241-4643
SIVA KUNAR	LONG ISLAND POWER AUTHORITY	516-929-4177
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Bob Scott	PECO, Project Manager	215 327-1200 x25
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Sgt. Robert L. Hester	DELA. RIVER & BAY AUTH. POLICE	302. 571-6346
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Bill Butler	DEPO	} ↓ 609-561-1800 x331 302 834 4531
Willard Dawson	DEPO	
Sgt. Jim DeHart	US SP OBM	
Bud Foster	DEPO	

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

In the Matter of )

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STATE OF NEW JERSEY )

Docket No. Misc. 93-01

Department of Law and Public  
Safety's Requests )

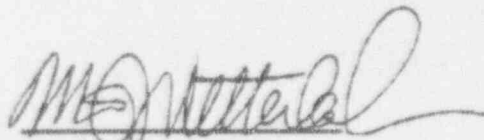
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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name	-	Mark J. Wetterhahn
Address	-	Winston & Strawn 1400 L Street, N.W. Washington, D.C. 20005-3502
Telephone Number	-	Area Code 202-371-5703
Admissions	-	United States Supreme Court United States Court of Appeals for the District of Columbia
Name of the Party	-	Philadelphia Electric Company 2301 Market Street Philadelphia, Pennsylvania 19101

Pursuant to 10 C.F.R. § 2.712(b), service of correspondence and pleadings on Philadelphia Electric Company should be addressed specifically to the undersigned.



Mark J. Wetterhahn  
Winston & Strawn  
Counsel for Philadelphia Electric Company

Dated at Washington, D.C.  
this 20th day of October, 1993



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NUCLEAR REGULATORY COMMISSION

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Safety's Requests )  
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Docket No. Misc. 93-01

CERTIFICATE OF SERVICE

I, Mark J. Wetterhahn, hereby certify that on this 20th day of October, 1993, I served on the following copies of "Philadelphia Electric Company's Response to the Nuclear Regulatory Commission's October 14, 1993 Order," and "Notice of Appearance" for Mark J. Wetterhahn both dated October 20, 1993.

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