

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station Unit 1)

AFFIDAVIT OF
ROGER B. KONIENSKI
Chairman, Regional
Assistance Committee
Federal Emergency
Management Agency

ROGER B. KONIENSKI, hereby declares:

1. I am the Chairman of the Regional Assistance Committee, Federal Emergency Management Agency (FEMA), Region II, New York. I make this declaration in support of the Agency's Response to Suffolk County's Discovery Request.

2. Regional Assistance Committees were established in each region pursuant to 44 CFR 351.10. They consist of representatives from the Nuclear Regulatory Commission, Environmental Protection Agency, Department of Health & Human Services, Department of Energy, Department of Transportation, U.S. Department of Agriculture, Department of Commerce and other Federal departments as appropriate. It is chaired by the FEMA regional representative.

Pursuant to 44 CFR 351.10 and 351.20 through 351.28 each federal agency member of the RAC supports the RAC and has a specific assignment which includes the review of plans.

3. Pursuant to a request from the NRC, FEMA arranged for a review of the LILO Transition Plan by the Regional Assistance Committee and transmitted the results of the review to the NRC on March 15, 1984.

The representatives from six (6) federal agencies, who are members of Regional Assistance Committee (RAC) and two (2) FEMA's consultant conducted the review of LILCO Transition Plan, Revisions I & III. Their comments represent an evaluation of the plan for its compliance with NUREG-0654. It has been policy of our office to review all RAC comments for internal consistency and compliance with the requirements of NUREG-0654, before they are consolidated into one (1) plan review document (draft). In attempt to achieve an accurate final document, the draft plan review is discussed and deliberated by all members of the Regional Assistance Committee at a meeting. This process was also effectively used for the LILCO Transition Plan for Shoreham.

On January 20, 1984, Regional Assistance Committee met in FEMA offices in New York City and reviewed and deliberated the draft plan review document. The validity of each comment was discussed and necessary changes were made to assure that the final document reflected factual information. This RAC meeting resulted in reaching a consensus on the final plan review comments.

At the January 20, 1984 meeting various point of view were analyzed and conclusions and agreements reached on the final version of each comment by the members of the RAC as it relates to NUREG-0654 planning criteria.

It is my judgement that the initial set of comments provided by RAC members are irrelevant at this point. I am also concern that by releasing the RAC individual comments which are predecisional, my ability to operate the Regional Assistance Committee will be severely weaken. The RAC members, in fact, may be very reluctant to provide me with written material which could be disclosed later at the ASLB hearing or other proceedings. Some of these comments may be sensitive in nature and their disclosure could have a negative impact on our relationship with the states, and local governments and utilities.

The release of the individual RAC comments and their personal notes will unquestionably undermine my ability to effectively operate the Regional Assistance Committee in providing useful guidance and assistance to the State, local governments and utilities as required by Executive Order 12148 of July 20, 1979 and FEMA rule, 44 CFR 350.

I hereby certify that the above is true and correct to the best of my knowledge and belief.

Roger B. Kowleski
Roger B. Kowleski, Chairman
Regional Assistance Committee

SUBSCRIBED AND SWORN to before me this 21 day of May, 1984.

Mark S. Farrell
Notary Public

My commission expires: 3/30/86

MARK S. FARRELL
Notary Public, State of New York
No. 4716198
Qualified in Kings County
Commission Expires March 30, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

'84 MAY 23 A11:07

In the Matter of)
LONG ISLAND LIGHTING COMPANY)
(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322-OL-3
(Emergency Planning)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "FEMA'S NOTICE OF APPEAL AND REQUEST FOR A STAY OF AN ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD" and "MEMORANDUM IN SUPPORT OF FEMA'S APPEAL OF AN ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD AND REQUEST FOR A STAY" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by hand, or as indicated by a double asterisk, by Express Mail, this 21st day of May, 1984:

Alan S. Rosenthal, Esq., Chairman*
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Howard A. Wilber*
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James A. Laurenson, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gary J. Edles, Esq.*
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gerald C. Crotty, Esq.
Ben Wiles, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Ralph Shapiro, Esq.
Cammie and Shapiro
9 East 40th Street
New York, NY 10016

Howard L. Blau, Esq.
217 Newbridge Road
Hicksville, NY 11801

W. Taylor Reveley III, Esq.**
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, VA 23212

Jonathan D. Feinberg, Esq.
New York State Department of
Public Service
Three Empire State Plaza
Albany, NY 12223

Stephen B. Latham, Esq.
John F. Shea, III, Esq.
Twomey, Latham & Shea
Attorneys at Law
P.O. Box 398
33 West Second Street
Riverhead, NY 11901

Atomic Safety and Licensing
Board Panel*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Board Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Spence Perry, Esq.
Associate General Counsel
Federal Emergency Management Agency
Room 840
500 C Street, S.W.
Washington, D.C. 20472

Gerald C. Crotty, Esq.
Ben Wiles, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

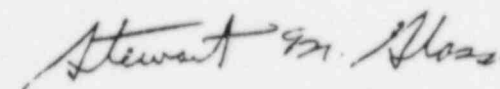
Cherif Sedkey, Esq.
Kirkpatrick, Lockhart, Johnson
& Hutchison
1500 Oliver Building
Pittsburgh, PA 15222

Herbert H. Brown, Esq.*
Lawrence Coe Lanpher, Esq.
Karla J. Letsche, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W.
8th Floor
Washington, D.C. 20036

Eleanor L. Frucci, Esq.*
Attorney
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James B. Dougherty, Esq.
3045 Porter Street, N.W.
Washington, D.C. 20008

Fabian G. Palomino, Esq.
Special Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224


Stewart M. Glass
Regional Counsel
Federal Emergency Management
Agency

COURTESY COPY LIST

Edward M. Barrett, Esq.
General Counsel
Long Island Lighting Company
250 Old County Road
Mineola, NY 11501

Mr. Brian McCaffrey
Long Island Lighting Company
Shoreham Nuclear Power Station
P.O. Box 618
North Country Road
Wading River, NY 11792

Marc W. Goldsmith
Energy Research Group, Inc.
400-1 Totten Pond Road
Waltham, MA 02154

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
Veteran's Memorial Highway
Hauppauge, NY 11788

Ken Robinson, Esq.
N.Y. State Dept. of Law
2 World Trade Center
Room 4615
New York, NY 10047

Leon Friedman, Esq.
Costigan, Hyman & Hyman
120 Mineola Boulevard
Mineola, NY 11501

Chris Nolin
New York State Assembly
Energy Committee
626 Legislative Office Building
Albany, New York 12248

Norman L. Greene, Esq.
Guggenheimer & Untermeyer
80 Pine Street
New York, NY 10005

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, CA 95125

Hon. Peter Cohalan
Suffolk County Executive
County Executive/Legislative Bldg.
Veteran's Memorial Highway
Hauppauge, NY 11788

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Ms. Nora Bredes
Shoreham Opponents Coalition
195 East Main Street
Smithtown, NY 11787