

JAN 11 1985

Mr. John C. Gallagher
Chief Deputy County Executive
County of Suffolk
Veterans Memorial Highway
Hauppauge, New York 11788

Dear Mr. Gallagher:

I am responding to your letter of November 28, 1984 to Harold Denton regarding the November 14, 1984 request by the Long Island Lighting Company (LILCO) that NRC forward materials to the Federal Emergency Management Agency (FEMA) related to an emergency preparedness exercise planned by LILCO for the week of February 11, 1985. You attached a letter to Congressman Carney from President Reagan and advised us that Suffolk County is opposed to any such exercise and objects to NRC promotion, assistance or concurrence in such an exercise over the objections of the County government.

As you are aware, LILCO has developed its own offsite emergency response plan and organization, with LILCO personnel identified to perform certain duties ordinarily performed by State and County employees in the event of an emergency. Consistent with FEMA's responsibility for assessing the adequacy of offsite emergency planning and preparedness, the NRC requested FEMA to provide findings on whether the LILCO offsite plan (Transition Plan) is adequate, whether it is capable of being implemented, and whether LILCO has the ability to implement the plan. FEMA has provided findings to the NRC relating to the adequacy of the Transition Plan in several letters, the latest of which is dated November 15, 1984. This letter indicated that of the 32 inadequacies identified in a previous review of the Transition Plan, 8 remain inadequate.

FEMA's letter also identified those aspects of the plan, including some of the remaining inadequacies, where legal authority issues continue to be of concern. The legal authority issues are the subject of the lawsuit in the New York State Supreme Court to which you referred in your letter and are also being considered by an NRC Atomic Safety and Licensing Board in the Shoreham operating license proceeding. It would, of course, be difficult and inappropriate to try to predict the outcome of these proceedings at this time.

Regarding the exercise proposed by LILCO in their November 14 letter, the normal practice of NRC and FEMA in response to an applicant's proposal is to review the submitted objectives, provide comments to the involved parties and prepare to observe and evaluate the scheduled exercise. In this instance there are outstanding plan inadequacies and legal authority issues. Accordingly, we have

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forwarded LILCO's November 14 letter to FEMA for their information and have requested them to take the lead in any preliminary consideration of this matter. We also forwarded to FEMA copies of your November 28 letter and a similar letter to the NRC dated November 29, 1984 from Governor Cuomo.

We appreciate your informing us of Suffolk County's views on this important matter and hope this information is useful to you in understanding the respective NRC and FEMA responsibilities with regard to evaluating emergency preparedness for Shoreham.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

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