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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

January 24, 1986

MEMORANDUM FOR: James M. Taylor, Director  
Office of Inspection and Enforcement

Dr. Thomas E. Murley, Regional Administrator  
Region 1

FROM: Victor Stello, Jr.  
Acting Executive Director for Operations

SUBJECT: PARTICIPATION IN THE SHOREHAM EMERGENCY PLANNING EXERCISE

Members of your staff are currently preparing for the February 13, 1986, emergency planning exercise at the Shoreham facility, and in preparation for that exercise will be attending a practice drill to be held by utility personnel on January 30, 1986. With regard to both the February 13, 1986, exercise and the January 30, 1986, practice drill, all members of your staff should be firmly assured that I have no intention of sending any of these persons to Suffolk County or requiring any of them to participate in these activities if I have any information that Suffolk County intends to treat such attendance or participation as a criminal act under the recently enacted Suffolk County Local Law 2-86 regarding participation in certain types of emergency test or exercises.

The Department of Justice has recently transmitted a letter to Suffolk County officials expressing the view that Local Law 2-86 is unconstitutional and seeking their prompt response stating whether they intend to apply this law to federal officials. We anticipate that we will receive the County's reply next week. The Justice Department letter further states that if such response is not satisfactory, it will be viewed as constituting "an impermissible obstruction to the congressionally mandated radiological health and safety requirements of the Atomic Energy Act".

While you should, of course, continue to plan for the February 13, 1986, exercise and your personnel should be prepared to attend both the January 30, 1986, drill and the scheduled exercise, all personnel should be assured that notwithstanding such planning, they will not be asked to go to Suffolk County or to participate in any activity if we have any information that such attendance or participation might in any way put them in jeopardy under Local Law 2-86.

I will, of course, keep you and your staff fully informed of any information which is received from the County regarding its intentions concerning the

enforcement of Local Law 2-86, or any actions by the Justice Department on behalf of the Government.

*[Faint stamp or signature]*

Victor Stello, Jr.  
Acting Executive Director  
for Operations

cc: Spence W. Perry  
Acting General Counsel  
Federal Emergency Management  
Agency

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