



PETER F. COMALAN
SUFFOLK COUNTY EXECUTIVE

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OFFICE OF THE COUNTY EXECUTIVE

OFFICE OF SECRETARY
JOHN F. GALLAGHER
CHIEF DEPUTY COUNTY EXECUTIVE

March 14, 1985

W. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D. C. 20355

DOCKET NUMBER
PROD & UTIL FAC.....

50-322-OC-3

Dear Mr. Denton:

By letter to you dated February 22, 1985, LILCO's Vice President for Nuclear Operations extended an invitation to the NRC Staff to observe the conduct of a "tabletop exercise" of LILCO's offsite emergency plan for Shoreham. This is to advise you that Suffolk County objects to the NRC staff observing or in any other way participating in, witnessing, or lending support or credibility to any form of exercise of LILCO's offsite emergency plan.

On February 20, 1985, the New York State Supreme Court ruled that under the Constitution and laws of the State of New York, LILCO does not have authority to implement its offsite emergency plan. Therefore, any exercise by LILCO of its plan would be an act of practicing and preparing for the implementation of an act contrary to law.

Sincerely,

John C. Gallagher
John C. Gallagher
Chief Deputy

JCG:pl

cc: Service List
Mr. Richard W. Krimm
Assistant Associate Director
Federal Emergency Management Agency
Room 506
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

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

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from John C. Gallagher, Chief Deputy County Executive for Suffolk County, to Mr. R. Harold Denton, Director, Office of Nuclear Reactor Regulation, dated March 14, 1985 has been served on the following this 14th day of March, 1985 by U.S. mail, first class.

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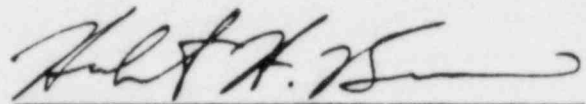
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DATE: March 14, 1985