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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Appeal Board

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

Docket No. 50-322-OL-4
(Low Power)

NOTICE OF APPEAL

On September 19, 1984, the Licensing Board issued an Order Denying Revised Security Contentions. By the instant Notice of Appeal, Suffolk County and the State of New York hereby inform the NRC and the parties of their intention to appeal the Licensing Board's denial of the revised security contentions. See 10 CFR §2.762.

In light of the current procedural posture of this proceeding, it is not clear that the filing of a Notice of Appeal is necessary at this time, nor is it clear whether a Notice of Appeal, if required, should be filed with the Appeal Board or with the Commission. The Commission's May 16th order (CLI-84-8), indicated that it intended to review any decision of the Licensing Board in this exemption proceeding, and the Licensing Board's September 19 Order states that the Order "is hereby transmitted directly to the Commission for appropriate action."

*add: Sam
OCA*

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When the Licensing Board issued its "Order Reconsidering Summary Disposition of Phase I and Phase II Low Power Testing," dated September 5, 1984, the Commission promptly thereafter issued an order (CLI-84-16) advising the parties of a briefing schedule for review by the Commission of that Licensing Board Order. The Commission has not issued a similar order regarding the Licensing Board's September 19 denial of security contentions. Accordingly, as a precaution and to put the NRC and the parties on notice of their intentions, the State of New York and Suffolk County are filing the instant Notice of Appeal.

Respectfully submitted,

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October 1, 1984

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NUCLEAR REGULATORY COMMISSION

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In the Matter of)
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LONG ISLAND LIGHTING COMPANY)

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CERTIFICATE OF SERVICE

I hereby certify that copies of NOTICE OF APPEAL, dated October 1, 1984, have been served on the following this 1st day of October 1984 by U.S. mail, first class.

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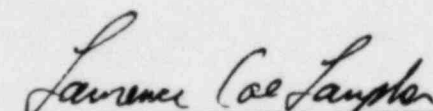
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