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(BY HAND)

Alan S. Rosenthal, Chairman
Mr. Howard A. Wilber
Mr. Gary J. Edles
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
4350 East-West Highway
North Tower, 4th Floor
Bethesda, Maryland 20814

Re: Stay Motion; Docket No. 50-322-OL-4

Dear Members of the Shoreham Appeal Board:

The Commission this morning voted 4-1 to permit the Miller Board's October 29 Initial Decision to become effective.^{1/} In view of the NRC's ruling, we are filing with this Board a "Suffolk County and State of New York Motion for Stay of Miller Board Decision."^{2/}

We request an expedited decision on this Motion. The Commission stated this morning that the license will be issued unless by 5:00 p.m. tomorrow, an emergency stay motion is filed in the United States Court of Appeals. We are prepared to file such an emergency motion by 5:00 p.m. tomorrow if an agency stay has not been granted. However, we of course are anxious to avoid filing unnecessary papers with the Court. Thus, we require a ruling on the instant motion by 11:00 a.m. tomorrow.

^{1/} A copy of the Commission's ruling has not yet been made available. However, during the discussion session this morning, the Commission stated that none of the Commission's views are binding on the Appeal Board.

^{2/} A separate Stay Motion is also being filed with the Commission, alleging as its basis errors in the NRC's NEPA decision (CLI-84-9) and Chairman Palladino's refusal to disqualify himself (Chairman's September 21, 1984 Memorandum).

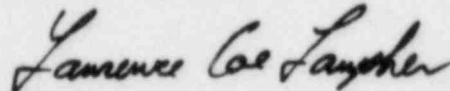
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We have orally informed LILCO and Staff attorneys that this Motion would be filed. We are available at any time to present argument hereon if the Board deems that appropriate, either via telephone conference call or in Bethesda (we note that the Brenner Board diesel hearing is in process and thus a court reporter would be available if that hearing were recessed for the time necessary to hear argument).

Sincerely yours,



Lawrence Coe Lanpher
Attorney for Suffolk County

LCL/dk

cc: LILCO Counsel (by hand)
Staff Counsel (by hand)
Service List (by first-class mail)