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WRITER'S DIRECT DIAL NUMBER

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(BY HAND)

Nunzio J. Palladino, Chairman  
Commissioner James K. Asselstine  
Commissioner Frederick M. Bernthal  
Commissioner Thomas M. Roberts  
Commissioner Lando W. Zech, Jr.  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Re: Motion for Stay of Low Power  
Testing; Docket No. 50-322-OL-4

Dear Members of the Commission:

On February 12, 1984, the NRC authorized an exemption from the regulations to permit issuance of a Phase III/IV testing license for the Shoreham Nuclear Power Plant, which will permit operation of Shoreham at up to 5 percent of rated power. Enclosed herewith is a "Suffolk County and State of New York Motion for Stay of Phase III and IV License." The grounds for the stay are the NRC's NEPA violation and the failure of Chairman Palladino to disqualify himself. Simultaneous herewith, we are filing with the Appeal Board a motion for a stay which alleges as its basis the Miller Board's errors.

The State and County intend to file an Emergency Stay motion with the United States Court of Appeals by 5:00 p.m. tomorrow if neither the instant motion nor the Appeal Board motion is granted. However, we of course want to avoid filing unnecessary papers in court. Thus, to avoid the potential for such unnecessary filings, we require a decision by the NRC on the instant

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CORRESPONDENCE PDR

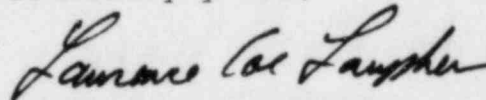
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NRC Commissioners  
February 12, 1985  
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motion no later than 11:00 a.m. tomorrow. We are making a similar request to the Appeal Board.

Sincerely yours,



Lawrence Coe Lanpher  
Attorney for Suffolk County

LCL/dk  
Enclosure

cc: Herzel Plaine, Esq. (by hand)  
LILCO Counsel (by hand)  
Staff Counsel (by hand)  
Service List (by first-class mail)