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December 21, 1984

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Director
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-942
rec'd 12/24/84

Subject: Freedom of Information Act Request

Gentlemen:

On behalf of our client, Suffolk County, we request pursuant to the Freedom of Information Act, as amended, 5 U.S.C. § 552 ("FOIA"), and the rules of the Nuclear Regulatory Commission ("NRC") issued thereunder, 10 C.F.R. Part 9, copies of written materials in the possession or control of the NRC, whether in the Commissioners' offices, the Office of General Counsel, the Office of Policy Evaluation, the Office of the Executive Director of Operations, or any other NRC office, which relate in any manner whatsoever to the issues discussed in "CLI-84-8" -- a May 16, 1984 Commission order pertaining to exemption requirements in the Shoreham operating license proceeding.*

Without limiting the scope of this request, but merely to assist the NRC in its search, the materials that we are requesting may include the following:

1. Transcripts and/or notes of any meetings attended by the Commissioners and/or by NRC Staff and/or by other persons at which issues addressed in CLI-84-8 were discussed.

* Suffolk County has already obtained copies of the transcripts of the May 7 oral argument before the Commission and the Commission's Shoreham meetings of April 23, 24, 26 and 27. Therefore, copies of these transcripts need not be produced except to the extent that the NRC has possession or control of transcripts which have handwritten notations thereon.

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2. Any materials relating to the "as safe as" standard adopted in CLI-84-8, including any materials which relate to whether the "as safe as" standard will affect the application of the provisions in 10 C.F.R. § 50.47(d) to the Shoreham low power exemption proceeding.
3. Any materials relating to whether to replace the Licensing Board for low power matters chaired by Marshall E. Miller, Esq., and any materials relating to the Miller Board's involvement in the Shoreham proceeding.

In the event that access is denied to any part of the requested materials, please supply the following information:

- A. Identify the withheld or deleted material and specify the statutory basis for the denial, as well as your reasons for believing that an exemption applies, as required by 10 C.F.R. § 9.10(b).
- B. Segregate the non-exempt from the allegedly exempt portions of all materials and release the former, as required by 10 C.F.R. § 9.5(b).
- C. Supply a detailed statement of the content of the withheld or deleted material, along with the date on which the material was written; its title or section heading; its author; the author's title; and the identification of any persons or entities who have received copies of such material, as required by applicable case law. Vaughn v. Rosen, 484 F.2d 820, 826-27 (D.C. Cir. 1973).
- D. Separately state your reasons for not invoking your discretionary power to release the allegedly exempt materials. 10 C.F.R. § 9.9.

The undersigned is willing to inspect the requested material prior to its reproduction in order to identify specific material for reproduction.

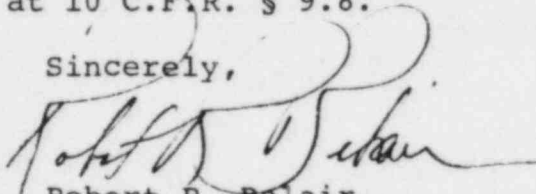
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The undersigned will pay charges for search time and copying fees, as provided by NRC regulations at 10 C.F.R. § 9.14. If search and copying fees to be incurred by the undersigned will exceed \$500, please notify the undersigned before this sum is exceeded.

We expect to receive your response to this FOIA request within ten (10) working days of your receipt of this request, as required under the FOIA and as set forth at 10 C.F.R. § 9.8.

Sincerely,



Robert R. Belair

RRB/lbw