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April 9, 1984

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DELIVERED BY HAND

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

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-267
Rec'd 4-10-84

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:

All records, documents, correspondence, memoranda, telephone logs, meeting notes, and any other written materials in the possession or control of the NRC relating to the following matters.

1. The Notice of Oral Argument, dated 3/30/84, on the Long Island Lighting Company's "Supplemental Motion for Low Power Operating License" filed by Marshal E. Miller, Chairman of the Atomic Safety and Licensing Board in the Shoreham Nuclear Power Station ("Shoreham") licensing proceeding, including materials which are in the offices of Judges of the Atomic Safety and Licensing Board, the Office of General Counsel, the Office of Policy Evaluation, the Offices of Commissioners or the offices of NRC's staff.

2. The Order entitled "Establishment of Atomic Safety and Licensing Board to Preside in Proceeding," dated 3/30/84, and filed by B. Paul Cotter, Jr., Chief Administrative Judge, Atomic Safety and Licensing Board Panel, including materials which are in the offices of Judges of the Atomic Safety and Licensing Board, the Office of General Counsel, Office of Policy Evaluation, the Offices of Commissioners, or the offices of the NRC staff.

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2.

3. The establishment of a new licensing board to preside in the Shoreham licensing proceeding, including all written materials prepared by or on behalf of the Licensing Board in the Shoreham proceeding chaired by Lawrence Brenner, and further including all written materials prepared by or on behalf of Judge Peter Morris or Judge Lawrence Brenner, or both. To assist the NRC in finding this material, please note the statement in Judge Cotter's March 30 Order that states that his decision to establish a new Board is based in part on "the advice from the present Atomic Safety and Licensing Board in this operating licensing proceeding with jurisdiction over non-emergency planning matters . . ." Please supply the written materials that constitute such, "advice from the present Atomic Safety and Licensing Board."

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 nonexempt 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 an 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 reason(s) for not invoking your discretionary power to release the allegedly exempt materials. 10 C.F.R. § 9.9.

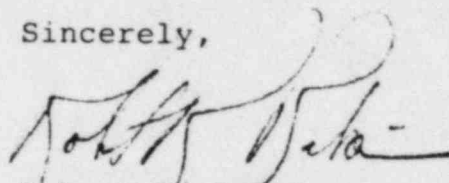
The undersigned is willing to inspect the requested material prior to its reproduction in order to identify specific material for reproduction.

The undersigned will pay charges for search time and copying fees, as provided by Commission regulation 10 C.F.R. § 9.14. If search and copying fees to be incurred by the undersigned will exceed \$500.00, please notify the undersigned before this sum is exceeded.

3.

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 out at 10 C.F.R. § 9.8.

Sincerely,



Robert R. Belair