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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

October 20, 1986

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Fabian G. Palomino
Special Counsel to the Governor
of the State of New York
Executive Chamber
Capitol, Room 229
Albany, New York 12224

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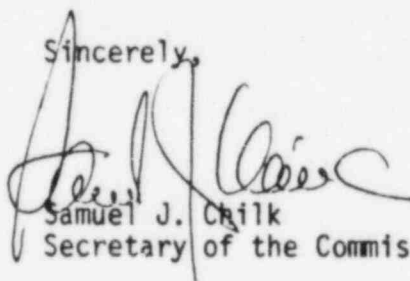
RE: DOCKET NO. 50-322-OL

Dear Mr. Palomino:

I have received your October 14, 1986 pleading captioned "Motion of Governor Mario M. Cuomo, Representing the State of New York, to Compel Production of an Audit Report on Shoreham Personnel and Motion for Expedited Consideration." Your specific requests were for certain documents from the Commission under the Freedom of Information Act (FOIA), for a Commission Order for LILCO to produce certain documents, and for a Commission directive to the NRC staff to explain why an audit report "was returned to LILCO and not retained in [staff's] records, and [to] provide a list of any other Shoreham-related documents which were treated similarly." Motion at 1-2.

Section 2.730 of the Commission's rules, under which your "Motion" was filed, governs pleadings submitted in NRC adjudications. See 10 CFR § 2.700. The Motion, however, does not relate to any issue being considered in the ongoing Shoreham adjudication. Thus, pursuant to 10 CFR § 2.772(k), your request is being referred to the NRC staff for appropriate action. Your request under FOIA will be handled by the staff under Part 9 of our regulations.

Sincerely,


Samuel J. Chalk
Secretary of the Commission

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