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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Commission

75 FEB 25 P1:50

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY)
)
(Shoreham Nuclear Power Station,)
Unit 1))
_____)

Docket No. 50-322-OL-4
(Low Power)

SUFFOLK COUNTY AND NEW YORK STATE MOTION FOR COMMISSION
TO OPEN MEETING SCHEDULED FOR 3:00 P.M. TODAY

The Commission is scheduled to meet at 3:00 p.m. for what it has described to be a "Status Report and Discussion of Options on Shoreham." This meeting is scheduled to be closed.

Suffolk County and New York State hereby move the Commission to open the subject meeting to the public for the following reasons:

First, the Philadelphia Newspapers case makes clear that the Commission's "status report" concerning Shoreham may not be closed. Philadelphia Newspapers, Inc. v. NRC, 727 F.2d 1195 (D.C. Cir. 1984). Such a status report is clearly not action within an adjudicatory proceeding.

Second, the Commission's scheduled "Discussion of Options" is not identified as being within the present adjudication. The Commission is scheduled merely to discuss unspecified "options." There is no legal basis on which such an unqualified characteri-

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zation of the 3:00 p.m. meeting can be closed. See Philadelphia Newspapers, supra.

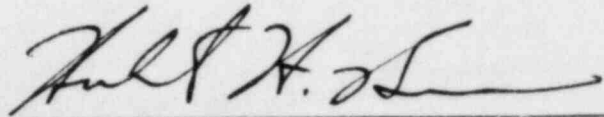
Third, there is nothing of an adjudicatory nature before the Commission. No party has filed a motion for Commission action, and there is no emergency that could justify sua sponte action which forecloses the participation of the parties.

Fourth, Philadelphia Newspapers makes clear that if portions of a Commission meeting are not within the scope of Exemption 10 of the Sunshine Act, the NRC must open those portions to the public. The Commission may not close an entire meeting because a part of that meeting is within Exemption 10. Thus, even if part of the subject meeting could be closed, the "status report" could not.

Finally, the overriding public interest in the Shoreham proceeding and the extensive involvement of the governments of New York State and Suffolk County are strong public policy reasons to open the Commission's meeting. The NRC has done this in the Three Mile Island proceeding. The case is no less compelling here.

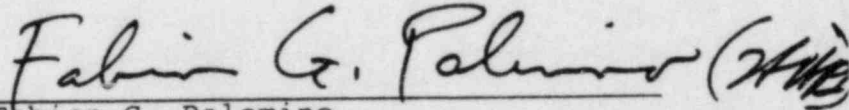
Respectfully submitted,

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February 25, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of the SUFFOLK COUNTY AND NEW YORK STATE MOTION FOR COMMISSION TO OPEN MEETING SCHEDULED FOR 3:00 P.M. TODAY, dated February 25, 1985, have been served on the following this 25th day of February 1985 by U.S. mail, first class, except as otherwise indicated.

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Washington, D.C. 20555

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Suffolk County Executive
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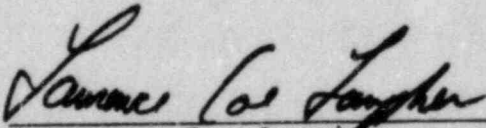
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DATE: February 25, 1985