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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Alan S. Rosenthal, Chairman  
Gary J. Edles  
Howard A. Wilber

SERVED JUL 29 1985

DOCKETED  
July 26, 1985

'85 JUL 29 A10:48

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station, )  
Unit 1) )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-322-OL-3  
(Emergency Planning)

ORDER

As previously announced,<sup>1</sup> the oral argument of the appeal of the Long Island Lighting Company (LILCO) from the Licensing Board's April 17, 1985 partial initial decision<sup>2</sup> will be heard at 2:00 p.m. on August 12, 1985, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

The order of presentation and the time allocations are as follows:

LILCO - 45 minutes (of which a reasonable portion may be reserved for rebuttal).

State of New York - 30 minutes.

Suffolk County - 15 minutes.

<sup>1</sup> May 20, 1985 order (unpublished).

<sup>2</sup> LBP-85-12, 21 NRC 644.

Town of Southampton - 5 minutes.<sup>3</sup>


NRC staff - 30 minutes.<sup>4</sup>

In preparing for oral argument, counsel may assume that the members of this Board will be generally familiar with the relevant portions of the record (including the April 17 partial initial decision) and the appellate positions of the respective parties.

Each party is to provide the Secretary to this Board by letter, mailed no later than August 2, 1985, with the name of the counsel who will present the argument on its behalf.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board

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<sup>3</sup> In normal circumstances, we do not permit participation in oral argument by a party that has not filed a brief with us. The exception we are making for the Town of Southampton in the unique circumstances of this case should not be regarded as setting a new and contrary precedent.

<sup>4</sup> The allocations of time are based on the assumption that Suffolk County will be represented at the oral argument by its County Attorney, rather than by the law firm of Kirkpatrick & Lockhart. This assumption, in turn, is based upon the July 19, 1985 ruling of the New York State Supreme Court, as described in a July 22, 1985 letter from the County Attorney to the Chairman of this Commission. We have not been informed whether that ruling is being appealed to a higher New York court. If so, and should the appeal prove successful, any party may bring that fact to our attention with a request that the time allocations be revised.