

291

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

DOCKETED
USNRC
June 3, 1985

'85 JUN -4 A9:51

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)

SERVED JUN -4 1985

ORDER

On the morning of May 31, 1985, it informally came to the attention of this Board that, on the prior day, the Suffolk County Executive had issued an executive order having a possibly important bearing upon the pending appeals from the Licensing Board's April 17, 1985 partial initial decision¹ in the emergency planning phase of this operating license proceeding. Counsel for the County was thereupon orally notified by the Secretary to this Board that, if the information that had been received respecting the executive order was correct, the Board would expect to be seasonably so advised and to be provided with an indication of the County's position respecting the impact of this development upon the pending appeals.


¹ LBP-85-12, 21 NRC ____.

Still later on May 31, counsel for the applicant provided the Board with copies of Suffolk County Executive Order Number 1-1985 dated May 30, 1985, together with copies of certain newspaper articles (one of which contained the substance of an interview with the County Executive). This submission relieves the County of the necessity of furnishing the Board with the executive order. But the Board still expects to receive the County's position respecting the present significance of the executive order as soon as that position has been formulated. Once the County's views are in hand, the Board will solicit those of the other parties to the proceeding (including, most particularly, those of the State of New York).

In the meantime, the terms of this Board's May 15, 1985 order, as amended by its May 20 order, will remain in effect.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

Mr. Edles did not participate in this order.