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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
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BRANCH

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

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

September 27, 1985

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

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

MEMORANDUM

At the conclusion of the oral argument yesterday on an appeal in a different phase of this operating license proceeding, counsel for intervenors Suffolk County and the State of New York raised a question respecting the length of their briefs in support of their appeals from the Licensing Board April 17, 1985 partial initial decision.¹ Those briefs are now in preparation and we were informed that, for certain specified reasons, counsel were encountering considerable difficulty in observing the provision in 10 CFR 2.762(e) to the effect that appellate briefs are not to exceed 70 pages in length. Accordingly, counsel indicated

¹ LBP-85-12, 21 NRC 644.

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that they desired to obtain an enlargement of that page limitation.

After some discussion of the matter, the Board advised counsel for the County and State that it would treat their representations as an oral motion for such relief.² Counsel were instructed to advise the Secretary to the Board by telephone, no later than October 3, 1985, respecting the precise page limitation enlargement that they were seeking. The Board noted that, following consultation with counsel for the other parties in the context of the specific enlargement sought³, it would promptly rule on the motion.

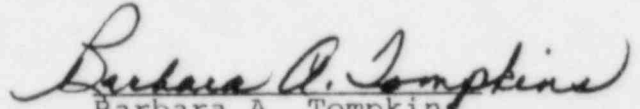
Additionally, on its own motion, the Board further extended the time for the filing of the intervenors' briefs to and including October 15, 1985.⁴

² Our doing so, however, should not be regarded as setting a precedent. Normally, a written motion would be required. An exception was made in this instance only because we had counsel for all concerned parties before us.

³ Without having that information available, counsel for both the applicant and the NRC staff stated yesterday that they opposed generally any enlargement of the page limitation.

⁴ While the Board orally announced that the extension would run until October 14, that date is a federal holiday. Accordingly, the briefs will not be due until the following day. See 10 CFR 2.710.

FOR THE APPEAL BOARD

A handwritten signature in cursive script, reading "Barbara A. Tompkins". The signature is written in dark ink and is positioned above the printed name and title.

Barbara A. Tompkins
Secretary to the
Appeal Board