

665  
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

85 OCT-3 P3:09

OFFICE OF  
October 3, 1985  
LICENSING & SERVICE  
BRANCH

SERVED OCT -3 1985

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station, )  
Unit 1) )

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

ORDER

In an unpublished May 15, 1985 order, we addressed, inter alia, the motion of intervenors Suffolk County and the State of New York for an enlargement of the existing limitation on the length of the brief in support of their appeal from the Licensing Board's April 17, 1985 partial initial decision.<sup>1</sup> 10 CFR 2.762(e) imposes a 70-page limit on appellate briefs; the County and State sought leave to file a 165-page consolidated brief. Upon consideration of the motion, we denied it in large measure. Our May 15 order provided (at p. 2) that "[w]ith respect to their appeal, the County and State may file separate briefs not to exceed 70 pages in length or a consolidated brief not to exceed 100 pages in length."

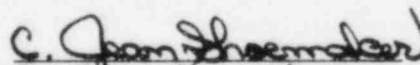
<sup>1</sup> LBP-85-12, 21 NRC 644.

Because of a number of briefing extensions, the County and State have not as yet filed their brief(s). With our leave, however, those parties have now orally moved for, in effect, reconsideration of the May 15 order. Specifically, they each desire to file a brief not in excess of 100 pages in length (although counsel for the County indicated in a telephone conversation this morning with one of the Secretaries to this Board that the County and State would be prepared to settle for a 90-page limitation on each brief). In this connection, counsel noted that the County and State had divided the issues raised by their appeal between them; i.e., the County's brief would address some of the issues and the State's brief the remainder.

We agree with the applicant and the NRC staff that the County and State have given us insufficient reason to alter our previous determination that all significant issues presented by their appeal can be adequately discussed in two well-focused briefs without the enlargement of the Section 2.762(e) limitation now sought by them. Accordingly, the oral motion is denied.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board