

403

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
JAN 22 10:32
OFFICE OF SECRETARY
DOCKETING SERVICE
BRANCH
January 21, 1986

SERVED JAN 22 1986

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))

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

ORDER

Pending before this Board in the emergency planning phase of this operating license proceeding are (1) the appeals of intervenors Suffolk County and State of New York from the Licensing Board's April 17, 1985 partial initial decision;¹ and (2) the appeals of those intervenors (together with the Town of Southampton) and the applicant Long Island Lighting Company from the Licensing Board's August 26, 1985 concluding partial initial decision.² Oral argument on these appeals will be heard at 9:00 a.m. on Wednesday, February 12, 1986, in the NRC Public Hearing

¹ LBP-85-12, 21 NRC 644. The appeal of the applicant from those portions of that decision adverse to it was fully argued some time ago and decided in large measure in ALAB-818, 22 NRC ____ (October 18, 1985).

² LBP-85-31, 22 NRC 410.

Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.³ The order of presentation and the time allotments will be as follows:

Intervenors' oral argument in support of their appeals from both the April 17 and August 26 partial initial decisions (50 minutes).

Applicant's and NRC staff's response to the intervenors' appeals (50 minutes) and argument in support of the applicant's appeal from the August 26 partial initial decision (15 minutes).

Intervenors' response to the applicant's appeal (15 minutes) and rebuttal on their own appeals (10 minutes).

Applicant's and NRC staff's rebuttal on the applicant's appeal (10 minutes).⁴

Manifestly, in the time allotted to them, it will not be possible for the parties to address each and every point raised by the various appeals. Because it is not likely that the time allotments will be enlarged, counsel

³ Notice of the date of argument was provided to counsel on December 31, 1985.


⁴ We will expect the intervenors to agree upon a division of the time allotted to their side of the respective appeals and the applicant and NRC staff to do likewise (the staff fully supports the applicant's ultimate position on all of the appeals).

presenting argument in support of a particular appeal will be well-advised to focus upon those asserted errors deemed of principal importance. In this connection, counsel may assume that the members of this Board will be generally familiar with the partial initial decisions under attack, the relevant portions of the underlying evidentiary record, and the appellate positions of the respective parties as developed in their briefs.

Each party shall advise the Secretary to this Board, by letter mailed no later than February 6, 1986, of the name of the person(s) who will present argument on its behalf. At least one of the counsel on each side should set forth in the letter any agreement already reached regarding the division of the time allotted to that side.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board