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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

'84 JUL 30 12:56
July 27, 1984

OFFICE OF GENERAL
DOCKETING & SERVICE
BRANCH

_____)
In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1)
_____)

Docket No. 50-322-OL-3

(Emergency Planning)

SERVED JUL 30 1984

ORDER


Suffolk County has filed a notice of appeal and supporting brief from the Licensing Board's July 10, 1984 oral order denying the County's motion seeking, inter alia, to compel the Federal Emergency Management Agency to produce certain documents in the emergency planning phase of this operating license proceeding. The County is directed to show cause, in a memorandum to be in the hands of the members of this Board by noon on Wednesday, August 1, 1984, why the appeal should not be summarily dismissed in light of the prohibition in the Rules of Practice against interlocutory appeals. See 10 CFR 2.730(f); Commonwealth Edison Co. (Zion Station, Units 1 and 2), ALAB-116, 6 AEC 258 (1973). See also Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-122, 6 AEC 322 (1973). The County should also address in its submission the question whether, assuming that the July 10 oral order is appealable, the

appeal nonetheless should be dismissed because it was not filed within ten days of the entry of that order.¹

Following receipt of the County's memorandum, the Board will determine whether the other parties need respond to the appeal.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

¹ In addressing this question, the County should take into account the fact that the only two provisions of the Rules of Practice specifically authorizing appeals from Licensing Board action both provide a ten day period for the filing of the appeal. See 10 CFR 2.714a; 2.762(a). In this instance, the notice of appeal was filed 16 days after the issuance of the July 10 oral ruling.