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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

'84 AGO -2 P2:27

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

August 2, 1984

OFFICE OF
DOCKETING & SERVICE
BRANCH

SERVED AUG 2 1984

In the Matter of)
)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL-3
)
(Shoreham Nuclear Power Station,) (Emergency Planning)
Unit 1))

ORDER

Suffolk County has responded to our July 27, 1984 order directing it to show cause why its pending appeal should not be summarily dismissed in light of the prohibition in the Rules of Practice against interlocutory appeals.¹ As we read that response, the County concedes that the appeal is taken from an interlocutory order but maintains that we should nonetheless consider it in the exercise of our discretion.

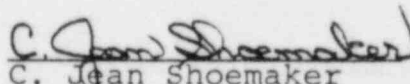
In the circumstances, we will treat the appeal as being, in effect, a motion for directed certification of the

¹ Memorandum to Show Cause Why Suffolk County's July 26 Appeal Should Not be Dismissed (August 1, 1984). The appeal in question, filed on July 26, is from a July 10, 1984 oral order of the Licensing Board 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.

Licensing Board order in question. See 10 CFR 2.718(i); Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-271, 1 NRC 478, 482-83 (1975). Before acting upon it, we desire to obtain the views of the other parties to this controversy respecting whether the criteria for granting directed certification are here met. See, e.g., Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-405, 5 NRC 1190, 1192 (1977). Those views are to be filed and served in memorandum form no later than August 10, 1984.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board