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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Administrative Judges:

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

June 24, 1985

SERVED JUN 24 1985

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

Docket No. 50-322 OL

ORDER

On June 19, 1985, in ALAB-810,¹ we denied the joint motion of intervenors Suffolk County and the State of New York for a stay pendente lite of the effectiveness of the Licensing Board's June 14, 1985 partial initial decision in this operating license proceeding involving the Shoreham nuclear facility.² That motion had been filed on behalf of the County by attorneys in the Washington, D.C. office of the law firm of Kirkpatrick & Lockhart.

Now before us is a document entitled "Suffolk County's Notice of Appeal and Request for Stay," filed on the

¹ 21 NRC ____.

² See LBP-85-18, 21 NRC _____. ALAB-810 did, however, extend for a brief period an emergency ex parte stay entered on June 17, 1985. This was done to enable the movants to seek relief from the Commission.

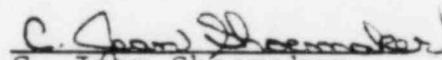
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County's behalf by its County Attorney. Although the certificate of service indicates that it was placed in the mail on June 18, 1985, our copies were not received until late in the afternoon on June 21.

It appears that this motion does little more than rehearse much of the content of the joint stay motion denied in ALAB-810. Accordingly, on the authority of ALAB-810, it is summarily denied.³

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

Mr. Edles did not participate in this order.

³ This was the second stay request filed by the County Attorney. The previous one, submitted on June 17, 1985, was summarily denied in an unpublished order entered on June 18. But the notice of appeal filed with that request remains in effect. Thus, it was not necessary for the County Attorney to file another notice of appeal with his most recent stay request.

The June 18 order also took note of the dispute between the Suffolk County Attorney and the Kirkpatrick & Lockhart firm respecting whether the latter still represents the County in this proceeding or, instead, that representation is now in the hands of the County Attorney exclusively. The order indicated that, pending the resolution of that controversy, we will accept papers filed on behalf of the County from either Kirkpatrick & Lockhart or the County Attorney (or both).