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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

SERVED AUG 12 1985

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

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

DOCKETED
USNRC
August 9, 1985

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

ORDER

Oral argument in this proceeding is scheduled for Monday, August 12, at 2:00 p.m. In our order establishing the time allocations for oral argument we noted that the allocations were based on the assumption that Suffolk County will be represented by its County Attorney, rather than by the law firm of Kirkpatrick & Lockhart.

Earlier today we received a telephone request from the Town of Southampton seeking either a postponement of oral argument or a reallocation of the time allotments. The Town represents that the decision of the Supreme Court of the State of New York upholding County Executive Cohalan's firing of the law firm of Kirkpatrick & Lockhart was stayed by the court pending review by the Appellate Division, that the Appellate Division has extended the stay, and that the law firm believes it has a continuing obligation to

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represent the County. We are also informed that the Appellate Division heard oral argument yesterday and indicated that it may rule on the appeal as early as Monday. Thus the issue of who will represent the County at oral argument before us is assertedly unresolved.

The request for a postponement of the oral argument is denied. The request for realignment of the time allocations for oral argument is denied without prejudice to a new request being made at the time of oral argument.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

Mr. Rosenthal did not participate in this order.