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BUCKET NUMBER 50-322-OL-5
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US-NRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'88 OCT -6 P4:06

Before Administrative Judges:
John H Frye, III, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

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

Docket No. 50-322-OL-5R
(EP Exercise)
ASLBP No. 88-579-06-OL-5R

October 6, 1988

MEMORANDUM AND ORDER

On October 4, Suffolk County, the State of New York, and the Town of Southampton moved for a postponement of the deadline for filing contentions related to the June 1988 exercise, or, in the alternative, for an extension of time. The deadline for filing contentions was established in a Memorandum and Order which we issued on September 22 following the remand of this matter to us in AIAB-901, 28 NRC ___, September 20, 1988. On the day following our Memorandum and Order, the OL-3 Board issued its Concluding Initial Decision on Emergency Planning, LBP-88-24, 28 NRC ___, September 23, 1988. That Initial Decision dismissed these intervenors from the proceeding and authorized the issuance of an operating license.


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Clearly, the OL-3 Board dismissed these Intervenors not only from the OL-3 proceeding, but from the OL-5 proceeding as well, and Intervenors have raised the question of that Board's authority to take the latter action before the Appeal Board.¹ However, at this time, Intervenors are not parties to this proceeding and are not entitled to file contentions.

For this reason, we will not consider Intervenors' motion now. Should the Appeal Board reverse the OL-3 Board's dismissal of Intervenors from this proceeding, we will promptly take up Intervenors' motion.² In that event, we direct that LILCO and Staff deliver their responses to us within 24 hours of their receipt of the Appeal Board's Order.³

It is so ORDERED.

For the ATOMIC SAFETY AND
LICENSING BOARD


John H. Frye, III
ADMINISTRATIVE JUDGE

Bethesda, Maryland
October 6, 1988

¹In a Memorandum and Order of September 27, the Appeal Board granted the Intervenors' motion for expedited treatment of this issue.

²Should the Appeal Board affirm the OL-3 Board's action, we will promptly dismiss this proceeding.

³Intervenors should bear in mind that we are unlikely to favorably consider granting a larger extension of time than the period required for resolution of this issue by the Appeal Board.