

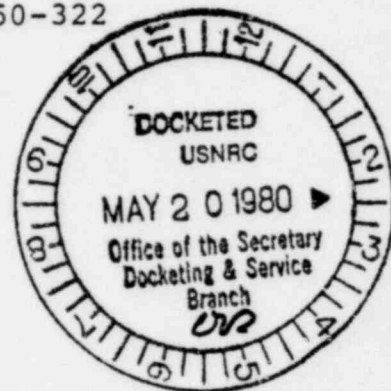
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL PANEL

Alan S. Rosenthal, Chairman

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

Docket No. 50-322



ORDER

May 20, 1980

On March 14, 1980 the Licensing Board certified to us the question whether a portion of Contention 12 of the Shoreham Opponents Coalition (SOC) is cognizable in this operating license proceeding. On March 25, the Appeal Panel Chairman filed a memorandum in which he announced that the certified question would be held in abeyance to abide the event of the Commission's ruling on a similar question then pending before it on a certification by another Licensing Board in a different proceeding. See Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1), LBP-80-1, 11 NRC 37, 43 (1980). The Commission's ruling has now been issued. CLI-80-16, 11 NRC ___ (May 16, 1980). Examination of it indicates that it should provide sufficient guidance to the Board below in determining whether the

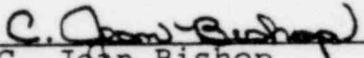
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SOC contention in question is litigable.

Accordingly, the March 14 certification is hereby dismissed.

It is so ORDERED.

FOR THE APPEAL PANEL
CHAIRMAN


C. Jean Bishop
Secretary to the
Appeal Panel

This action was taken by the Appeal Panel Chairman under the authority of 10 CFR 2.787(b).