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LILCO, February 5,51991

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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY BOOKETHIO & SERVICE BRANCH

Before the Atomic Safety and Licensing Board

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

Docket No. 50-322-OLA

LILCO'S MOTION TO DISMISS AS MOOT PETITIONERS' REQUEST FOR A STAY OF LBP-91-1

On January 23, 1991, Petitioners Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy, Inc. filed an application for a stay of the Board's order in Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-91-1, 33 NRC __ (Jan. 8, 1991), directing Petitioners to amend within 20 days their petitions to intervene "to take into account the recent Commission decision [CLI-90-08] and the deficiencies in their petitions that are specified" in LBP-91-1. LBP-91-1, slip op. at 47. Petitioners' application for a stay should be dismissed as moot.

By their stay request, Petitioners seek to be relieved of their obligation to file amended petitions pending (1) the Commission's decision on reconside ation of CLI-90-08, or (2) the Commission's decision on Petitioners' appeal from LBP-91-1,

whichever is later. Petitioners assert that requiring them to refile their petitions before the Commission has issued its decision on either of those issues "would be a waste of Commission, Petitioners' and Licensee resources." Petitioners' Application for a Stay of the Board's Order of January 8, 1991 (Jan. 23, 1991) at 1.

This morning, Petitioners' counsel informed counsel for LILCO that on February 4, Petitioners filed amended petitions with the Licensing Board, as directed in LBP-91-1. By so doing, Petitioners have rendered moot their request for a stay, and LILCO moves that it be dismissed as moot.

Respectfully submitted,

Dowald P. Irwin

Counsel for Long Island

Lighting Company

Hunton & Williams 707 East Main Street P.O. Box 1535 Richmond, Virginia 23212

DATED: February 5, 1091

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY DOCKLING & SERVICE BRANCH

In the Matter of) GRANCH
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OLA
(Shoreham Nuclear Power Station, Unit 1)	

CERTIFICATE OF SERVICE

I hereby certify that copies of LILCO'S MOTION TO DISMISS AS MOOT PETITIONERS' REQUEST FOR A STAY OF LBP-91-1 were served this date upon the following by telecopier as indicated by an asterisk, by Federal Express, as indicated by two asterisks, or by first-class mail, postage prepaid.

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DATED: February 5, 1991