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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Marshall E. Miller, Chairman  
Glenn O. Bright  
Elizabeth B. Johnson

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In the Matter  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Generating Plant,  
Unit 1)

Docket No. 50-322 OL-4  
(Low Power)

May 31, 1984

ORDER DENYING LILCO'S MOTION FOR EXPEDITED  
RESPONSES TO SUMMARY DISPOSITION MOTIONS

On May 22, 1984, LILCO filed a motion to compel prompt responses (by May 30) to two summary disposition motions it had filed on the same date. One such LILCO motion sought summary disposition on Phase I low power testing, and the other motion sought the same relief on Phase II low power testing.<sup>1</sup> No replies to LILCO's motion for prompt responses have been filed with this Licensing Board.

Although we have the power under 10 CFR §2.711 to extend or shorten the time for the performance of certain acts, the exercise of such

<sup>1</sup> Phase I : fuel load and precriticality testing.  
Phase II: cold criticality testing.

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discretionary power requires a showing of good cause. No such showing has been made by LILCO's motion. It is true that the subject of summary disposition of Phases I and II has been discussed and argued in various forms for several months. However, there is no persuasive reason shown to deprive the other parties of their right to serve an answer supporting or opposing the motion within 20 days of its filing, under the provisions of 10 CFR §2.749.

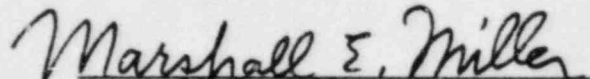
We call the attention of the parties to the provisions of the Commission's Order entered May 16, 1984 in this proceeding (CLI-84-8). That Order permitted the Applicant to seek an exemption under the provisions of 10 CFR 50.12(a). Such an Application For Exemption was filed by LILCO on May 22, 1984, with this Licensing Board. The Commission's Order directed this Board to conduct proceedings on the exemption application in accordance with the Commission's Rules, and it provided a schedule to the Board as guidance in resuming the hearing. We intend of course to follow such guidance in scheduling the resumed hearings. Accordingly, discovery should have commenced promptly on Day 2 (May 24) following the filing and same-day service of LILCO's Application For Exemption filed May 22, 1984. The parties are further put on notice that such recommended schedule will not be suspended or delayed by the mere act of filing a motion before this or any other tribunal.

For the foregoing reasons, LILCO's motion for shortened time for responses to its summary disposition motions is denied, and the parties

are directed to file answers thereto within the time limits prescribed by 10 CFR §2.749.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Marshall E. Miller, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 31st day of May, 1984.