

062

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

DOCKETED
LIMINE

'84 JUL -6 P2:38

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SERVED JUL 6 1984

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

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

July 5, 1984

ORDER DENYING MOTION FOR REFERRAL

The Intervenors Suffolk County and the State of New York on July 3, 1984, filed a motion for referral to the Commission of our Order Granting LILCO's Motion in Limine, entered June 20, 1984. The referral motion has been carefully considered by the Board, but no good reason appears for a referral to the Commission. The instant motion is in effect an argument for reconsideration, and an attempt to reargue matters already taken into account and ruled upon by the Board. We adhere to the reasons set forth in our June 20 Order regarding the nature and effect of prior Orders of another Licensing Board.

In view of the fact that an evidentiary hearing is scheduled to commence July 30, 1984, under an expedited schedule recommended by the Commission itself in this proceeding, the Intervenors' motion for

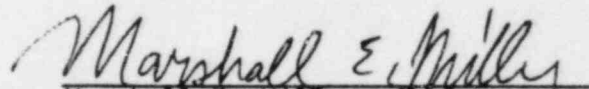
B407090167 B40705
PDR ADOCK 05000322
G PDR

DS02

referral is denied forthwith. Inasmuch as the same type of motion for directed certification has been simultaneously filed with the Commission, the highest NRC appellate body can decide whether it now wishes to entertain such an appeal. We have cautioned the parties on several occasions that filing motions and other papers will not delay the scheduled commencement of the evidentiary hearing. For the foregoing reasons, the motion for referral is denied.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 5th day of July, 1984.