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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-4
)	(Low Power--Security)
(Shoreham Nuclear Power Station,)	
Unit 1))	

LILCO'S MOTION TO DISMISS PROCEEDING AS MOOT

This proceeding was convened to determine the adequacy of special physical security measures for protection of the alternate backup sources of AC power at Shoreham, four General Motors EMD diesel engines and a 20 megawatt combustion turbine. These were proposed by LILCO to be used during low power testing, pending the repair and requalification of the station's design sources of emergency AC power, three Transamerica Delaval (TDI) diesel generators.

This proceeding has been in abeyance since the spring of 1985 while issues related to the final qualification of the TDI diesels were being determined. (Security provisions relative to the TDI diesels had been resolved in a comprehensive settlement agreement dated November 1982.)

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In a letter dated August 14, 1985, counsel for LILCO notified this Board that the TDI diesels had been approved for low and full power operation by the Atomic Safety and Licensing Board with jurisdiction over them and that low power testing had commenced, and indicated that in the event that the Licensing Board's decision was sustained on appeal and low power testing was completed using the TDI diesels, LILCO believed that this proceeding might be dismissed as moot.

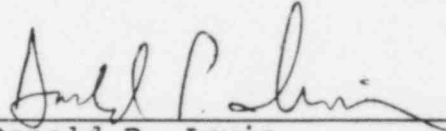
Both of those events have occurred. Required low power testing at Shoreham was successfully completed in October 1985 and the plant has been shut down for modifications and maintenance since then. In addition, the Licensing Board's decision, LBP-85-18, 21 NRC 1637 (1985), was approved by the Appeal Board. ALAB-824, 22 NRC 776 (1985). On February 28, 1986 the Commission indicated that it would not take review of the matter, producing final agency action approving the TDI diesels.

Thus, the licensing event for which this proceeding was convened -- required low power testing -- has been completed, using different equipment from that at issue here. And although LILCO may desire to utilize the 20 megawatt turbine or the EMD diesels for backup power again at some time in Shoreham's life, those circumstances will be different from those obtaining in this proceeding, and if any license modification for that use is necessary it

will have to be obtained in the context of those different circumstances.

Accordingly, LILCO moves that this Board dismiss this proceeding as moot, without prejudice to LILCO's ability to apply under future circumstances to use the EMD diesels and/or the 20 megawatt turbine as emergency backup power sources in accordance with the Commission's regulations.

Respectfully submitted,



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DATED: March 18, 1986

CERTIFICATE OF SERVICE

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-4.86
(Low Power--Security)

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

I hereby certify that copies of LILCO'S Motion to Dismiss Proceeding as Moot were served this date upon the following by first-class mail, postage prepaid.

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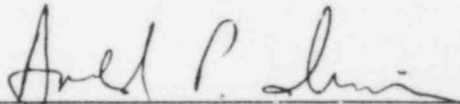
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DATED: March 18, 1985