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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

Before Administrative Judges: '86 MAY -5 P2:40
James L. Kelley, Chairman
Glenn O. Bright
Elizabeth B. Johnson

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MAY 5 1986

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

Docket No. 50-322-OL-4
(Low Power)
(ASLBP No. 77-347-01D-OL)

May 5, 1986

ORDER DISMISSING PROCEEDING AS MOOT


On March 18, 1986, counsel for LILCO filed a motion to dismiss this proceeding as moot. The motion noted the fact that (1) the TDI diesels had been approved by another Licensing Board for low and full power operation, (2) low power testing had been completed, and (3) the Licensing Board decision had been approved by the Appeal Board. 22 NRC 776 (1985). Thus, the licensing event for which this proceeding had been convened--low power testing--had been completed using different equipment. The motion accordingly stated that "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."

On March 27, 1986, the NRC Staff stated its lack of objection to the LILCO motion, citing the same grounds. No other party responded to the motion.

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The Board understands the basic circumstances surrounding this motion to be as stated by LILCO. LILCO's unopposed motion to dismiss the proceeding as moot, without prejudice, is granted.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


James L. Kelley, Chairman

Bethesda, Maryland