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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

James P. Gleason, Chairman  
Dr. Jerry R. Kline  
Mr. Frederick J. Shon

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

Docket No. 50-322-0L-3  
(Emergency Planning)  
(ASLBP No. 88-561-02-OLR)  
April 14, 1988

BOARD MEMORANDUM AND ORDER

(Ruling on Intervenors' Motion for Reconsideration of Board's  
Memorandum and Order on Contention Relating to LILCO's EBS System)

Intervenors' motion of March 7, 1988 requests reconsideration of the Board's ruling on its contention relating to LILCO's new EBS system with specific reference to the Board's denying proposed bases numbered 1.D, 1.E, 2.B, 2.C and 3. The Board approved five other bases in support of the contention's admission.

It is alleged, by Intervenors' motion, that (1) the Board erred in limiting the EBS considerations to the EPZ Plume Exposure Pathway; (2) the Board erred in ruling that the issues of listenership rate and credibility of LILCO's EBS stations are not relevant nor do they assist in focus'ng the matter of the proceeding; and (3) the Board erred in excluding, as not being relevant, an alleged evacuation shadow phenomenon. The Applicant and Staff oppose the reconsideration motion

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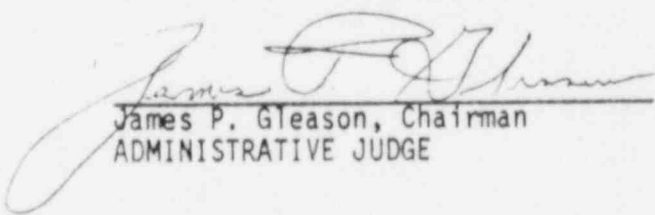
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contending that no error had been committed and that the Board, in fact, properly excluded the bases Intervenor's' argue to have included.

The Board denies Intervenor's' motion. It essentially provides no new information and merely demonstrates its differences with the Board through rearguing the same allegations submitted in prior pleadings on the contentions. To consider Intervenor's' assertions, we would be simply obligated to put forth here again the same considerations for the conclusions expressed in the Board's Order of February 24, namely that the regulations do not impose a requirement for communicating EBS messages to the public outside the EPZ, that shadow evacuation was outside of the scope of litigable issues in the remand proceeding since it did not assist in focusing the earlier admitted EBS contention and that the bases concerning listener rates and credibility of the EBS stations were not admissible as they raised irrelevant issues which were not within the scope of earlier admitted issues, are not supported by the regulations and do not assist in focusing the matter of this proceeding. The matters raised by Intervenor's in their motion are more properly subjects for appeals than for requests for reconsideration.

ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 14th day of April, 1988.