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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:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

SERVED APR 15 1988

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

Docket No. 50-322-OL-3  
(Emergency Planning)  
(ASLBP No. 86-529-02-OLR)  
April 14, 1988

BOARD MEMORANDUM AND ORDER  
(Ruling on Intervenor's Motion for Reconsideration of Board  
Order on Summary Disposition of Hospital Evacuation Issue)

Suffolk County, State of New York, and Town of Southampton  
(Intervenors), in a motion filed March 7, 1988, request Board  
reconsideration of its ruling on LILCO's motion for summary disposition  
of the hospital evacuation issue. In the ruling, we approved a major  
part of the motion, denying that part relating to an issue of evacuation  
time estimates accuracy.

The Intervenor's base their claim for reconsideration on an alleged  
failure on the part of the Board to give adequate consideration to the  
issues identified in their response to LILCO's motion and an alleged  
error in the Board's conclusions. The Applicant (LILCO) and the NRC  
Staff (Staff) both oppose Intervenor's motion denying any error in the

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Board's decision and denying that material facts in the response made on the summary disposition motion were ignored.

Specifically, Intervenors allege the following:

1. The Board erred in failing to consider legitimate arguments raised by Intervenors regarding the Staff's objectivity and consequently should not have delegated to the Staff confirmation of matters concerning the existence of specific reception hospitals called for in LILCO's emergency plan and their resources. Rather than ignoring Intervenors' charges against the Staff, the Board quite pointedly characterized Intervenors' comments as an attack which would not be countenanced in the future. Although it is true, as Intervenors point out, that remarks about the Staff only covered parts of two pages--20 and 21--in a 23 page response, a four page affidavit of counsel in support thereof was also included, the affidavit referring to a meeting held, without Intervenors' participation, between LILCO representatives and the Staff. It is not alleged that this meeting had anything to do with the hospital evacuation issue. The Board has no reason to doubt the Staff's integrity and objectivity in this proceeding and the Board's caution to Intervenors was submitted in an environment of a series of similar deprecatory comments on Intervenors' part. See Staff Answer to LILCO's Motion to Strike Intervenors' Reply of February 24, 1988 at 2-4.

With regard to delegating the details of administrative matters to the Staff, we reaffirm here the propriety of that decision. See Philadelphia Electric Company, (Limerick Generating Station, Units 1 and 2), ALAB-808, 21 NRC 1595, 1600 (1985).

2. Intervenors allege the Board committed error in accepting LILCO's assumption that 14% of the capacity of reception hospitals would be available to receive evacuating patients. The Applicant's figure was obtained from national data and Intervenors argue that using local data from the reception hospitals might have produced a more refined, well-reasoned figure. Intervenors state that evacuation time estimates may be sensitive to available hospital capacity and the Board's ruling curtails any meaningful inquiry into this area. They complain also about the Board's decision here lacking any reasoned explanation.

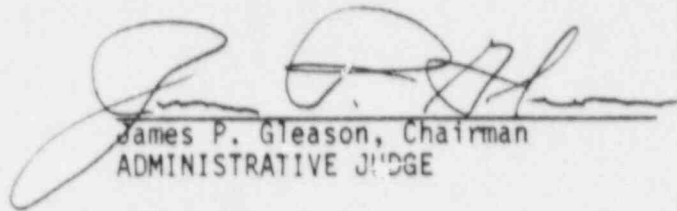
The Board sees no reason to change its original decision accepting LILCO's assumption concerning available hospital capacity. Basically, as stated in our decision, the issues involves a matter, in futuro, with all the uncertainties and lack of precision inherent in such estimates as future hospital capacity. The 14% figure is not alleged by Intervenors as being incorrect, but rather imprecise. Local data would, in our judgment, encounter the same barriers of incertitude.

3. The final argument presented by Intervenors' motion states that the Board erred in ignoring an issue of the need for letters of agreement with reception hospitals. By not referencing letters of agreement in its Order, it was not the intention of the Board to suggest that LILCO was not required to continue to pursue such letters, but only that they did not constitute a material issue in dispute. If there is misapprehension in this connection by any party, we state here that the Staff is required to include, in its ministerial functions, reviewing LILCO's efforts to pursue such letters of agreement.

The motion for reconsideration of the Board's ruling on the hospital evacuation issue is denied.

ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

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