



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

C. J. [unclear]
Bair
E. F.

May 18, 1988

MEMORANDUM FOR: Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

FROM: Joseph F. Scinto
Acting Assistant General Counsel, Hearings

SUBJECT: SHOREHAM PID FINDING LILCO RECEPTION CENTERS ADE-
QUATE UNDER APPENDIX E TO PART 50 AND NUREG-0654

In a 109 page Partial Initial Decision (PID) issued May 9, 1988, the Atomic Safety and Licensing Board found that three LILCO owned reception centers for use in the event of a radiological emergency were adequate and satisfied NRC's regulatory standards. In reaching this conclusion the Board found that the proposed relocation centers were adequate if they could provide for monitoring of 20% of those in the EPZ. It further ruled that transportation and traffic problems because of the centers' locations and distance from the EPZ, and problems caused by the evacuation shadow phenomenon were not so substantial as to prevent the use of the relocation centers.

The Board declined to deal with an issue of whether relocation centers could be used for that purpose under local zoning laws, stating that issue had not been properly raised at this time and should be dealt with first in State courts.

In the course of its decision the Board also made the following comments:

- The Board "gives no credence to the possibility that Nassau County Police will not provide assistance to the public in an actual emergency because the 'best efforts' assumption of the Commission and the regulations prohibit such consideration." The Board noted that the record did not reflect whether the police were familiar with the plan for the centers, and therefore directed LILCO to provide copies of the plan and to consult with the police. Confirmation of these actions was delegated to the Staff. The Board also stated that "refusal of local government agencies to participate in planning will not in itself prevent the issuance of an operating license if the NRC requirements for emergency planning are otherwise adequately met."
- In deciding that the existing road system has sufficient capacity the Board stated that the goal was not to "predictively resolve all uncertainties about traffic flow in an emergency. . . A fair demonstration of capability based on existing highway capacity and adequate prior

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allocation of resources is all that can reasonably be demanded in assessing LILCO's plan because this is all the regulations require and all that we can scrutinize without resorting to speculation."

- In connection with the reasonable assurance standard, the Board stated: "The standard of public health protection is that the plan be adequate to achieve an unquantified dose reduction to the public in an emergency. Those standards do not require the submission of a theoretically optimal plan nor do they require resolution of all predictive uncertainty about how future emergencies will unfold."
- The Board rejected a claim that a dose increment is "significant" if it causes a few percent increase in the probability of cancer. The Board could not "believe that the Commission's standard of 'no undue hazard to the health and safety of the public' could be meant to establish a requirement that there be no increment whatever in projected cancer probabilities for conceivable accidents whatever their size. Such a standard could not be met for any plant."
- The Board noted that "[p]lanning standards and criteria are developed on the basis of selecting reasonable, but effective, protective response actions and the requirement in monitoring is simply a capability to monitor all EPZ residents and transients arriving at reception centers within a 12-hour period. No requirement exists that we are aware of that dictates a different, even if better, method of detection must be installed even if it is available."



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cc: J. Murray
Victor Stello, EIO
William T. Russell, Regional
Administrator, Reg. I