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LILCO, February 3, 1988

RELATED CORRESPONDENCE

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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'88 FEB -5 P4:22

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322-OL-3
	)	(Emergency Planning)
(Shoreham Nuclear Power Station, Unit 1)	)	(School Bus Driver Issue)

**LILCO'S RESPONSES AND OBJECTIONS TO NEW  
YORK STATE'S FIRST SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

LILCO hereby responds to the State of New York's First Set of Interrogatories and Request for Production of Documents, dated and served on LILCO on January 22, 1988.

**I. GENERAL ANSWERS AND OBJECTIONS TO  
INTERROGATORIES, DEFINITIONS, AND INSTRUCTIONS**

LILCO gives the same general answers and makes the same general objections to New York State's Interrogatories, Definitions, and Instructions that it made in response to Suffolk County's First Set of Interrogatories and Request for Production of Documents. See LILCO's Responses and Objections to Suffolk County's First Set of Interrogatories and Request for Production of Documents (January 20, 1988), at 1-2.

**II. ANSWERS AND OBJECTIONS TO INTERROGATORIES**

**New York State Interrogatory No. 1**

Describe all emergencies known to LILCO or LILCO's witnesses, or referred to in documents in LILCO's or LILCO's witnesses' possession, custody or control, in which bus drivers were called upon to transport people to their homes or to places of safety away from their homes because of the emergency. The term "emergencies" includes, for example, such events as floods, fires, hurricanes, explosions and hazardous waste releases. Specifically describe, on a lettered subpart by subpart basis: (a) the type of emergency; (b) the location of the emergency; (c) the date and time of the emergency; (d) the

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number of bus drivers who transported people; (e) the number of people who were transported; (f) the number of bus drivers who were expected to report for work but who did not report to work; (g) the reason why those bus drivers did not report to work; and (h) the number of people who were expected to be transported by the bus drivers but who were not transported by the bus drivers because the bus drivers did not report to work. With respect to emergencies referred to in documents in LILCO's or LILCO's witnesses' possession, custody or control, provide these documents.

Response: The 16 emergencies referenced by LILCO witness Robert B. Kelly in his report, "Role Abandonment by Bus Drivers During Major Emergency Evacuations" are listed and described on page 4 of that report. Copies of the report have already been provided to Suffolk County and New York State. In all 16 emergencies listed, buses were used to transport people from endangered areas. The report gives the information requested in subparts (a), (b), (c), and (e) of Interrogatory No. 1. As to subpart (d), the number of bus drivers who participated in each emergency evacuation is not known by LILCO or Mr. Kelly. As to subparts (f), (g), and (h), asking for the number of bus drivers who did not report, the reason they did not report, and the number of evacuees affected by non-reporting drivers, the report states that in the 16 emergencies listed there were no documented cases of bus drivers not cooperating or refusing to drive the buses. LILCO provided (by Federal express package sent to New York State counsel January 30, 1988) all backup documentation for the 16 emergencies that Mr. Kelly examined in preparing his report.

In addition, Dr. Lindell cites the 1979 Mississauga train derailment accident in Ontario, Canada as another emergency in which buses were used to transport people out of endangered areas. Dr. Lindell knows of no cases of bus drivers not reporting to work in emergencies. Dr. Lindell's knowledge about the Mississauga incident is based on his reading of pertinent literature. Dr. Lindell and LILCO do not have possession, custody, or control of specific information about the Mississauga incident of the type sought in Interrogatory No. 1.

**New York State Interrogatory No. 2**

Describe all instances of inclement weather known to LILCO or LILCO's witnesses, or referred to in documents in LILCO's or LILCO's witnesses' possession, custody or control, in which bus drivers were called upon to transport schoolchildren to their homes or to places of safety away from their homes because of the inclement weather. The term "inclement weather" includes, for example, snowstorms. Specifically describe, on a lettered subpart by subpart basis: (a) the type of inclement weather; (b) the location of the inclement weather; (c) the date and time of the inclement weather; (d) the number of bus drivers who transported schoolchildren; (e) the number of schoolchildren who were transported; (f) the number of bus drivers who were expected to report for work but who did not report to work; (g) the reason why those bus drivers did not report to work; and (h) the number of schoolchildren who were expected to be transported by the bus drivers but who were not transported by the bus drivers because the bus drivers did not report to work. With respect to such instances of inclement weather referred to in documents in LILCO's or LILCO's witnesses' possession, custody or control, provide these documents.

**Response:** LILCO and LILCO's witnesses do not have possession, custody, or control of the specific information sought in Interrogatory No. 2. However, LILCO and its witnesses are not aware of any such instances of inclement weather in which school bus drivers refused to perform their jobs due to role conflict or role abandonment. To the best of LILCO's knowledge, there are no documents in LILCO's or LILCO's witnesses' possession, custody, or control that are responsive to this interrogatory.

**New York State Interrogatory No. 3**

Describe all instances known to LILCO or LILCO's witnesses, or reported in documents in LILCO's or LILCO's witnesses' possession, custody or control, when bus drivers, in an emergency, attended to the safety of their own families before reporting to perform their bus driving duties. Specifically describe, on a lettered subpart by subpart basis, for each bus driver: (a) the person (for example, child or spouse) that the bus driver attended to first; (b) the type, location, date and time of the emergency; (c) the length of the concomitant delay in reporting to work. With respect to emergencies referred to in documents in LILCO's or LILCO's witnesses' possession, custody or control, provide these documents.

**Response:** To the best of LILCO's and LILCO's witnesses' knowledge, there have been no incidents of bus drivers in an emergency attending to the safety of their own families before reporting to perform their bus driving duties. In addition, neither LILCO nor LILCO's witnesses know of any documents of any kind that report any such behavior during an emergency.

**New York State Interrogatory No. 4**

Describe all instances known to LILCO or LILCO's witnesses, or reported in documents in LILCO's or LILCO's witnesses' possession, custody or control, when bus drivers, in an emergency, performed their bus driving duties and then attended to the safety of their own families. Specifically describe, on a lettered subpart by subpart basis, for each bus driver: (a) the person (for example, child or spouse) that the bus driver attended to after performing his or her bus driving duties; (b) the type, location, date, and time of the emergency. With respect to emergencies referred to in documents in LILCO's or LILCO's witnesses' possession, custody or control, provide these documents.

**Response:** LILCO's response here is the same as its response to New York State Interrogatory No. 1.

**New York State Interrogatory No. 5**

How many of the school bus drivers serving the schools listed in Attachment 1 to "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987, have members of their families living in the Shoreham ten-mile EPZ?

**Response:** LILCO does not have possession, custody, or control of the information requested by this interrogatory. LILCO believes that the State, through its Education Department, is better able to elicit this information from the school districts.

**New York State Interrogatory No. 6**

How many of LILCO employees who have agreed to serve as bus drivers have members of their families living in the Shoreham ten-mile EPZ?

**Response:** A conservative estimate is that 46 of 562 drivers have their homes in the EPZ. Some of the 46 presumably have families at home. This is the best information LILCO has to answer this question.

LILCO objects to this Interrogatory on the ground that it attempts to raise issues about role conflict of LERO emergency workers. This issue was resolved in LILCO's favor in the Board's Partial Initial Decision. LBP-85-12, 21 NRC 644, 674 (1985). Intervenors cannot relitigate this issue.

**New York State Interrogatory No. 7**

For the school bus drivers who serve each of the schools specified in Attachment 1 to "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987, specifically describe, on a lettered subpart by subpart basis, how their job training addresses: (a) dealing with emergencies of any kind; (b) performing their duties when schools dismiss early; (c) caring for their own families in cases of early school dismissals or emergencies; (d) providing notice to the school and bus company when they will not perform their jobs.

**Response:** LILCO has no information in its possession, custody or control that is responsive to Interrogatory No. 7. New York State, through its Education Department, is more able to elicit this information from the school districts.

**New York State Interrogatory No. 8**

Provide an up-to-date copy of all early dismissal and emergency plans for each of the schools identified in Attachment 1 of "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987.

**Response:** LILCO does not have possession, custody or control of the documents requested in New York State Interrogatory No. 8. New York State, through its Education Department, is more able to obtain these documents from the school districts.

**New York State Interrogatory No. 9**

Elaborate on the statements made on page 16 of "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987, and elaborate on the statements made by Mr. Crocker in paragraph 15 of his associated affidavit, by providing, on a lettered subpart by subpart basis, the following information with respect to non-LILCO school bus drivers who LILCO relies upon to drive buses to implement LILCO's new schools evacuation proposal: (a) amount of money and other considerations LILCO will give to each school bus driver for each hour of classroom training on Shoreham emergency planning; (b) amount of money and other considerations LILCO will give to each school bus driver for each hour spent participating in drills and exercises; (c) amount of money and other considerations LILCO will give to each school bus driver for each hour spent responding to an actual emergency at Shoreham; (d) amount of money and other considerations LILCO will give to each school bus driver as a sign-on or a year-end bonus or as a bonus of any type; (e) amount of money and other considerations LILCO will give to each school bus driver for any reason not stated above. The term "other considerations" includes, but is not limited to, reimbursement for mileage, child care, telephone installation and maintenance, meals, lodging, insurance, driver's license and registration, as well as the actual provision of services, objects or benefits such as child care, telephones, vehicles, utilities, leave, stock or incentives of any kind.

Response: Beyond the information already set forth in LILCO's Summary Disposition Motion, LILCO objects to Interrogatory No. 9 on the ground that it seeks information that is not relevant to this proceeding and that is not reasonably calculated to lead to the discovery of admissible evidence. Throughout the Shoreham litigation LILCO has consistently withheld information of a proprietary nature, including information concerning the reimbursement of LERO workers.

New York State Interrogatory No. 10

Elaborate on the statements made on page 16 of "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987, and elaborate on the statements made by Mr. Crocker in paragraph 16 of his associated affidavit, by providing, on a lettered subpart by subpart basis, the following information with respect to LILCO-employed LERO workers who LILCO relies upon to drive buses to implement LILCO's new schools evacuation proposal: (a) amount of money and other considerations LILCO will give to each bus driver for each hour of classroom training on Shoreham emergency planning; (b) amount of money and other considerations LILCO will give to each bus driver for each hour spent participating in drills and exercises; (c) amount of money and other considerations LILCO will give to each bus driver for each hour spent attending, or studying for, school bus driver training classes for a class 2 license, and taking the class 2 driving test; (d) amount of money and other considerations LILCO will give to each bus driver for each hour spent responding to an actual emergency at Shoreham; (e) amount of money and other considerations LILCO will give to each bus driver as a sign-on or year-end bonus or as a bonus of any type; (f) amount of money and other considerations LILCO will give to each bus driver for any reason not stated above. The term "other considerations," as used herein, has the same meaning as is set forth in Interrogatory No. 9.

Response: LILCO objects to Interrogatory No. 10 on the same grounds stated in LILCO's Response to Interrogatory No. 9.

New York State Interrogatory No. 11

Elaborate on the statements made on page 16 of "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987, and elaborate on the statements made by Mr. Crocker in paragraphs 15 and 16 of his associated affidavit, by answering the following. When the LILCO-employed bus drivers referred to in LILCO's schools evacuation proposal perform their bus driving duties during their regular working hours, will these bus drivers receive money and other considerations for performing their bus driving duties in addition to receiving their regular hourly wages? If the answer is affirmative, specify the amount of money and other considerations. The term "other considerations," as used herein, has the same meaning as is set forth in Interrogatory No. 9.

**Response:** LILCO objects to Interrogatory No. 11 on the same grounds stated in LILCO's Response to Interrogatory No. 9.

**New York State Interrogatory No. 12**

Has LILCO ever met (on or about January 14, 1988 or at any other time), or engaged in telephone conversations or discussions, with the NRC or FEMA regarding in any way LILCO's schools evacuation proposal? If the answer is affirmative: (a) identify the dates and locations of the meetings or the dates of the telephone conversations; (b) identify all attendees or participants; (c) specifically describe all statements that were made about LILCO's schools evacuation proposal; (d) attribute all such statements to particular individuals; and (e) provide any documents that concern LILCO's schools evacuation proposal that were produced in preparation for, during, or as a result of the meetings, telephone conversations or discussions.

**Response:** LILCO states that, to the best of its knowledge, aside from the response to LILCO's Summary Disposition Motion filed by the NRC Staff, there have been no contacts of any kind that are responsive to Interrogatory No. 12.

**New York State Interrogatory No. 13**

Does LILCO now have in its possession, custody or control any information that is in addition to or different from the information set forth in the "Response of the State of New York to LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers," dated January 19, 1988, and "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987, concerning: (a) the number of students currently enrolled at each school located in the ten-mile EPZ for Shoreham (see LILCO Interrogatory No. 8); (b) which of these schools are on split sessions and the number of students in attendance during each split session for each school (see LILCO Interrogatory No. 8); (c) the identification of each and every bus company that contracts with each school located in the ten-mile EPZ for Shoreham to transport school children (see LILCO Interrogatory No. 9); (d) which of these bus companies provide buses and drivers to which schools (see LILCO Interrogatory No. 9); (e) the number of school bus drivers under contract to or on the payroll of each school located in the ten-mile EPZ for Shoreham (see LILCO Interrogatory No. 10); (f) the number of these drivers that are designated for each school (see LILCO Interrogatory No. 10)? If the answer is affirmative, provide, on a lettered subpart by subpart basis the additional or different information.

**Response:** LILCO does not have any additional or different information from that set forth in New York State's Response to LILCO's First Set of Interrogatories and LILCO's Summary Disposition Motion concerning subparts (a), (b), (e), or (f) of Interrogatory No.

As to Interrogatory 13 (c) and (d), LILCO has learned that Medi Bus does provide some transportation for handicapped students in the Mt. Sinai School District and that Crimson Coach provides one wagon for the Eagle Elementary School.

**New York State Interrogatory No. 14**

Provide a copy of all documents used in preparing the answers to these interrogatories.

**Response:** LILCO objects to Interrogatory No. 14 to the extent it seeks discovery of the work product of LILCO's attorneys in preparing LILCO's Response to the State's interrogatories or seeks discovery of other documents protected by the attorney-client privilege. To the extent that specific documents or categories of documents have been requested above, LILCO is in the process of identifying those documents not objected to and not privileged and will produce them to the State within the 30-day period permitted by NRC regulations. At this point, however, the only responsive documents that LILCO has identified are the ones that LILCO already provided (on January 30, 1988) in response to the State's Interrogatory No. 1.

**New York State Interrogatory No. 15**

List, on a numerical interrogatory by interrogatory basis and on a lettered subpart by subpart basis, all people, including, but not limited to, LILCO witnesses, who were asked to provide information or documents in response to: (a) this pleading; and (b) the pleading submitted by Suffolk County entitled, "Suffolk County's First Set of Interrogatories and Request for Production of Documents to Long Island Lighting Company," dated January 4, 1988.

**Response:** In responding to the Intervenors' requests, LILCO has inquired of the cognizant people in LERIO, including Douglas M. Crocker, and of its other witnesses, Dr. Miieti, Dr. Lindell, and Mr. Kelly. It is not possible to provide the information requested with the amount of detail requested, particularly inasmuch as providing it would require reconstructing the process of answering Suffolk County's First Set of

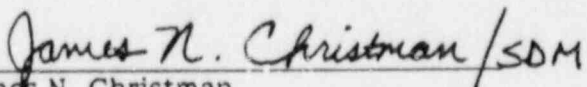


Interrogatories some weeks ago. Accordingly, LILCO objects to Interrogatory No. 15 because it is unduly burdensome. LILCO also objects to the extent the Interrogatory seeks information protected by the attorney-client privilege and work product doctrine. Finally, LILCO objects on the ground that the level of detail requested is not calculated to lead to the discovery of admissible evidence; to the extent the State is seeking names of cognizant individuals, LILCO has already provided the information in its response (dated January 20, 1988) to Suffolk County's Interrogatory No. 5.

Objections Stated by Counsel

All objections and references to objections were stated by counsel.

Respectfully submitted,


  
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Mary Jo Leugers  
Counsel for Long Island Lighting Company

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DATED: February 3, 1988

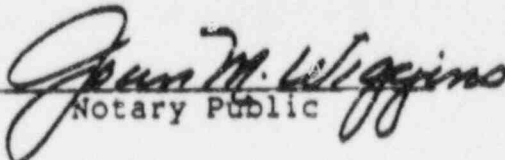
VERIFICATION

Douglas M. Crocker, being first duly sworn on oath, deposes and says: that he is currently the Manager, Nuclear Emergency Preparedness, Nuclear Operations Support Department for Long Island Lighting Company; that he has personal knowledge of a portion of the subject matter of this litigation; that responsible corporate employees have provided him with additional facts necessary to provide the information contained in the foregoing Answers to Interrogatories; that he has read the answers, and knows the contents thereof; and that based upon such information of which he has personal knowledge and with which he has been provided, he is informed and believes the matters stated therein to be true, and on these grounds alleges that the matters stated therein are true and therefore verifies the foregoing on behalf of Long Island Lighting Company.

  
\_\_\_\_\_  
Douglas M. Crocker

State of New York)      SS:

I, Joan M. Wiggins, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Douglas M. Crocker, whose name is signed to the foregoing Answers to Interrogatories, dated Feb. 9, 1988, has personally sworn before me that the statements therein are true to the best of his knowledge and belief.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 9/15/88

JOAN M. WIGGINS  
NOTARY PUBLIC, State of New York  
No. 4099991  
Qualified in Nassau County  
Commission Expires September 15, 1988

LILCO, February 3, 1988

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CERTIFICATE OF SERVICE

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3

I hereby certify that copies of LILCO'S RESPONSES AND OBJECTIONS TO NEW YORK STATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS were served this date upon the following by telecopier as indicated by one asterisk, by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

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DATED: February 3, 1988