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LILCO, February 19, 1988

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
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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 SUFFOLK COUNTY'S  
SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO LONG ISLAND LIGHTING COMPANY

LILCO hereby responds to Suffolk County's Second Set of Interrogatories and Requests for Production of Documents, dated February 5, 1988 and served on LILCO by telecopy at 10:40 p.m. that same day.

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

LILCO gives the same general answers and makes the same general objections to Suffolk County's Definition and Instructions that it made in response to Suffolk County's First Set of Interrogatories and Request for Production of Documents. See LILCO's Response 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  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS.**

Suffolk County Interrogatory No. 33

Please identify each and every bus company that has entered into contracts with LILCO to provide buses in the event of a Shoreham emergency. For each bus company, specify whether such company provides buses and/or drivers for schools and/or school districts. For each such company which provides buses and/or drivers for schools and/or school districts, identify the particular schools and/or school districts with which the company contracts, and specify whether such schools and/or school districts are in or outside the EPZ. Provide a copy of all correspondence and documents relating to each and every bus company that has entered into a contract with LILCO.

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Response: LILCO objects to Interrogatory No. 33 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The sole issue in this remand is "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order (December 30, 1987), at 5. The identity of the bus companies that have contracted with LILCO to provide buses for a Shoreham emergency (which includes buses for the general population and special facilities), and the identity of any school or school district, in or out of the EPZ, that these bus companies service, is irrelevant to whether there will be a sufficient number of school bus drivers. This position is supported by the fact that the Board has granted LILCO's Motion in Limine, which argued that the issue of whether there are enough buses to evacuate schools in the EPZ is not part of this remand proceeding and that evidence on that issue should not be heard.

Suffolk County Interrogatory No. 34

With respect to each bus company identified in response to Interrogatory 33, please specify the number of buses that are contracted to LILCO and further specify whether such buses are to be used by LILCO for the evacuation of the transit-dependent general population, the evacuation of the handicapped and special facilities, the evacuation of parochial and nursery schools, the evacuation of public schools, or some other purpose. If for some other purpose, specify that purpose.

Response: See LILCO's response to Suffolk County Interrogatory No. 33.

Suffolk County Interrogatory No. 35

In LILCO's February 4, 1988 "Response to Suffolk County's First Set of Requests for Admissions Regarding the Remand Issue of 'Role Conflict' of School Bus Drivers," Suffolk County's Request for Admission No. 5 was denied. Please provide the basis for LILCO's denial of that Request.

Response: LILCO denied Suffolk County Admission No. 5 because Shoreham-Wading River Central School District is not the only school district in the EPZ that has agreed to LILCO's plan to use LERO auxiliary school bus drivers to evacuate school children in the event of a Shoreham emergency.

Suffolk County Interrogatory No. 36

Please identify each and every school district, having schools located in the EPZ, which has consented to any LILCO proposal to have LILCO employees drive buses to evacuate school children during a Shoreham emergency.

Response: Shoreham-Wading River Central School District and Little Flower Union Free School District have agreed to LILCO's plan to use LERO bus drivers to evacuate school children in the event of a Shoreham emergency.

Suffolk County Interrogatory No. 37

In LILCO's February 4, 1988 "Response to Suffolk County's First Set of Requests for Admissions Regarding the Remand Issue of 'Role Conflict' of School Bus Drivers," Suffolk County's Request for Admission No. 6 was denied. Please provide the basis for LILCO's denial of that Request.

Response: LILCO denied Suffolk County Admission No. 6 because Shoreham-Wading River Central School District is not the only school district in the EPZ that has agreed to LILCO's plan to use LERO bus drivers to drive school buses to evacuate school children in the event of a Shoreham emergency.

Suffolk County Interrogatory No. 38

Please identify each and every school district, having schools located in the EPZ, which has consented to have LILCO employees drive school buses containing children during an evacuation from a Shoreham emergency.

Response: Shoreham-Wading River Central School District and Little Flower Union Free School District have agreed to LILCO's plan to use LERO bus drivers to drive school buses to evacuate school children in the event of a Shoreham emergency.

Suffolk County Interrogatory No. 39

Please provide a list of LILCO "auxiliary" bus drivers and, if such drivers have been or will be assigned as drivers of buses transporting school children from a particular school district or school within the EPZ, specify the LILCO drivers for each school or school district.

Response: On February 10, 1988, LILCO provided Suffolk County with the employee number and LILCO position of each LERO worker presently receiving Class 2 license training for his role as a LERO auxiliary school bus driver. On February 11, 1988, LILCO provided Suffolk County with a list of employee numbers and LILCO positions

for those LERO workers who have completed their Class 2 license training and are awaiting receipt of their Class 2 licenses. LILCO produced these lists in response to Suffolk County Interrogatory No. 4 and pursuant to the Board's February 3 Memorandum and Order ruling on Suffolk County's motion to compel. LILCO objects to providing Suffolk County with the individual names of each LERO auxiliary school bus driver for the same reasons stated in LILCO's response to Suffolk County Interrogatory No. 4. Furthermore, according to the Board's February 3 Memorandum and Order, LILCO is not required to produce the names of the LERO auxiliary school bus drivers. At present, no LERO auxiliary school bus driver has been assigned to a particular bus yard or school.

**Suffolk County Interrogatory No. 40**

Please specify whether any LILCO "auxiliary" bus drivers have been approved by any school or school district and, if so, identify the school(s) and/or school district(s) which have approved such drivers as drivers of buses transporting school children.

**Response:** LILCO objects to Suffolk County Interrogatory No. 40 because it is irrelevant to the issue in this proceeding and because it is vague. It is vague because it is unclear what "approved by" means. It is irrelevant because, in LILCO's view, it is not necessary for LILCO's auxiliary school bus drivers to be "approved by" any school or school district. Therefore, LILCO has not asked any school or school district to "approve" them. Furthermore, since LILCO has not finished training its auxiliary school bus drivers, it is not possible for any school or school district to have "approved of" LERO's school bus drivers.

**Suffolk County Interrogatory No. 41**

In LILCO's February 4, 1988 "Response to Suffolk County's First Set of Requests for Admissions Regarding the Remand Issue of 'Role Conflict' of School Bus Drivers," Suffolk County's Request for Admission No. 15 was denied. Please provide the basis for LILCO's denial of that Request.

**Response:** LILCO denied Suffolk County Admission No. 15 because some bus companies, under contract with school districts in the EPZ, are aware of LILCO's plan to use LERO

auxiliary school bus drivers to perform school bus driving duties covered by such contracts.

**Suffolk County Interrogatory No. 42**

Please identify each and every bus company, under contract with schools and/or school districts in the EPZ, which has agreed to allow LILCO or its employees to perform school bus driving duties covered by such contracts.

**Response:** During recent conversations with Seaman Bus Company, Medibus Company, and Suburbia Bus Company, LILCO informed these bus companies that it would provide LERO bus drivers to drive buses under contract to the school districts if their regular drivers should decide not to drive during a Shoreham emergency. None of these bus companies has declined to allow LILCO to do so.

**Suffolk County Interrogatory No. 43**

Please identify each and every school and/or school district in the EPZ, if any, which has agreed or has indicated that it will or may agree (specifying for each school and/or school district whether agreement has actually been obtained or may be obtained) to have its school bus drivers trained by LILCO. Provide any correspondence or documents relating to this interrogatory.

**Response:** Shoreham-Wading River Central School District bus drivers have already received emergency worker training from LILCO. Thus far, LILCO has not discussed training with any other school district in the EPZ.

**Suffolk County Interrogatory No. 44**

Please identify each and every school and/or school district in the EPZ, if any, which has agreed to meet with LILCO to discuss LILCO's "auxiliary bus driver arrangement" or which has indicated in any way that it is or is not willing to do so. In answering this interrogatory, please specify for each school and/or school district whether a meeting has been or has not been agreed to by each school and/or school district identified.

**Response:** LILCO has already provided Suffolk County with this information, to the extent not objected to, in a letter to Suffolk County counsel dated February 11, 1988, responding to a similar request made during Doug Crocker's deposition.

**Suffolk County Interrogatory No. 45**

Please identify each and every school district and/or school in the EPZ, if any, which has instructed its school bus drivers to accept training by LILCO or which has indicated that it will or will not so instruct its drivers. In answering this interrogatory,

please specify for each school and/or school district whether an instruction to accept LILCO's training has or has not been given.

Response: At this time LILCO has insufficient information to answer Suffolk County Interrogatory No. 45 for any school district other than Shoreham-Wading River Central School District, whose drivers were trained in 1984. LILCO does not know if any school or school district in the EPZ has instructed its school bus drivers to accept LERO training. LILCO notes that the information sought in this interrogatory is as accessible to Suffolk County as it is to LILCO, especially since the County has named eight school officials as witnesses in this case. Those officials presumably are in a better position to know what, if anything, schools have instructed their school bus drivers to do.

Suffolk County Interrogatory No. 46

In LILCO's February 4, 1988 "Response to Suffolk County's First Set of Requests for Admissions Regarding the Remand Issue of 'Role Conflict' of School Bus Drivers," Suffolk County's Request for Admission No. 20 was denied. Please provide the basis for LILCO's denial of that Request.

Response: LILCO denied Suffolk County Admission No. 20 because Shoreham-Wading River Central School District is not the only school district in the EPZ that has agreed to have its school children evacuated in the event of a Shoreham emergency to reception centers identified by LILCO.

Suffolk County Interrogatory No. 47

Please identify each and every school district and/or school in the EPZ, if any, which has agreed to have its school children evacuated during a Shoreham emergency to any reception center identified, or to be identified, by LILCO. Have any school districts and/or schools refused to have their school children evacuated to any such reception centers. If so, please identify.

Response: The following schools and school districts have agreed to have their school children evacuated during a Shoreham emergency to a reception center identified by LILCO: Shoreham-Wading River Central School District and the Little Flower Union Free School District. One other school has agreed to evacuate its children to a relocation center identified by LILCO. LILCO attempted to contact that school this week to reconfirm the agreement and notify their personnel of the school's mention in this

response; however, the school could not be contacted. LILCO will contact the school next week and will supplement this response with the school's identity, if the school has no objection. In making this response, LILCO defines the words "identified by LILCO" to mean that LILCO chose a reception center for the school or school district.

Suffolk County Interrogatory No. 48

In LILCO's February 4, 1988 "Response to Suffolk County's First Set of Requests for Admissions Regarding the Remand Issue of 'Role Conflict' of School Bus Drivers," Suffolk County's Request for Admission No. 21 was denied. Please provide the basis for LILCO's denial of that Request.

Response: LILCO denied Suffolk County Admission No. 21 because Shoreham-Wading River Central School District is not the only school district in the EPZ that has adopted or approved a plan for evacuating school children in the EPZ during a Shoreham emergency in a single wave.

Suffolk County Interrogatory No. 49

Please identify each and every school district and/or school in the EPZ, if any, which has adopted or approved a plan for the implementation of a single-wave evacuation of school children in the EPZ during a Shoreham emergency.

Response: The following schools and school districts in the EPZ have adopted or approved a plan for the implementation of a single-wave evacuation of their school children during a Shoreham emergency: Shoreham-Wading River Central School District and Little Flower Union Free School District.

Suffolk County Interrogatory No. 50

Please identify each and every assumption underlying LILCO's evacuation time estimates concerning the evacuation of school children under LILCO's "auxiliary bus driver arrangement," or some part thereof.

Response: LILCO objects to Suffolk County Interrogatory No. 50 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In granting LILCO's Motion in Limine, the Board apparently ruled that evacuation time estimates for schools were not at issue in this proceeding and that evidence on time estimates would not be heard.

Suffolk County Interrogatory No. 51

In LILCO's February 4, 1988 "Response to Suffolk County's First Set of Requests for Admissions Regarding the Remand Issue of 'Role Conflict' of School Bus Drivers," Suffolk County's Request for Admission No. 23 was denied. Please provide the basis for LILCO's denial of that Request.

Response: LILCO denied Suffolk County Admission No. 23 because LILCO has never assumed that no LERO emergency workers would experience some degree of role conflict while responding to a Shoreham emergency.

Suffolk County Interrogatory No. 52

Is it assumed by LILCO that no LILCO employees serving as "auxiliary," backup or primary bus drivers under LILCO's "auxiliary bus driver arrangement" will experience role conflict during a Shoreham emergency? Is it assumed by LILCO that no such LILCO employees would abandon their LERO jobs or fail to report for duty due to role conflict during a Shoreham emergency? For each of the above, please specify each and every basis of the assumptions made by LILCO, and produce any documents related to such assumptions.

Response: LILCO objects to Interrogatory No. 52 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The sole issue in this remand is "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order (December 30, 1987), at 5. The issue of role conflict of LERO emergency workers has already been litigated and decided in LILCO's favor by the Licensing Board in the PID. PID at 671-79. LILCO responds, however, that Suffolk County may review LILCO's prior written and oral testimony on Contention 25 which sets forth LILCO's position on "role conflict" of LERO emergency workers.

Suffolk County Interrogatory No. 53

Please identify each and every contact or communication in which any person or group has attempted to persuade school districts and/or schools (or representatives or employees of school districts and/or schools) to participate in LILCO's "auxiliary bus driver arrangement" or otherwise to cooperate with LILCO with regard to the evacuation of schools during a Shoreham emergency. Please specify for each such contact and/or communication, the school district or school contacted and the person(s) talked with, the date of each contact or communication, and the substance of each communication or contact. Please produce any documents related to any such contacts or communications.



Response: See LILCO's response to Suffolk County Interrogatory No. 44. Of course, the Shoreham-Wading River School District and Little Flower Union Free School District have long cooperated with LILCO, and continue to do so. Thus, LILCO communicates regularly with these districts.

Suffolk County Interrogatory No. 54

Please identify each and every bus company which has been contacted by LILCO with regard to LILCO's "auxiliary bus driver arrangement" concerning the evacuation of schools during a Shoreham emergency. Please specify which such bus companies have declined to participate in LILCO's "auxiliary bus driver arrangement" or have declined to contract with LILCO for the provision of buses. Specify the reasons that each such bus company has declined to participate, and produce any documents related to this interrogatory.

Response: LILCO objects to Suffolk County Interrogatory No. 54 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The number or availability of buses is not an issue in this proceeding. The sole issue in this remand is "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order (December 30, 1987), at 5. This was confirmed when the Board granted LILCO's Motion in Limine, which argued that the number of available buses was not at issue in this proceeding. Without waiving this objection, LILCO responds that Adelwerth Bus Company has declined to participate in LILCO's "auxiliary bus driver proposal". Adelwith Bus Company provided no reasons for declining to participate.

Suffolk County Interrogatory No. 55

To the extent there have been any changes since you have responded to Suffolk County's first set of interrogatories and requests for production of documents, please again respond to Requests 1 through 32 of Suffolk County's First Set of Interrogatories and Requests for Production of Documents to Long Island Lighting Company, dated January 4, 1988.

Response: LILCO has reviewed Suffolk County Interrogatories No. 1-32 for any changes that may have occurred since LILCO responded to those requests on Jan. 20, 1988. LILCO has determined that there are no changes, and no additional information or

documents, that require supplementation of its earlier responses. Of course, LILCO will continue to search for responsive documents.

Suffolk County Interrogatory No. 56

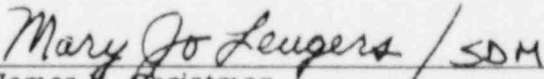
Please identify and provide a copy of any document not already identified in response to the above interrogatories and/or Suffolk County's First Set of Interrogatories and Requests for Production of Documents to Long Island Lighting Company, dated January 4, 1988, on which LILCO intends to rely in support of its position on the issue of whether there will be a sufficient number of school bus drivers to evacuate schools during a Shoreham emergency.

Response: LILCO has already provided Suffolk County with all documents that are responsive to its interrogatories and requests for production of documents. Since LILCO has not started to prepare its testimony, it does not know what additional documents it will rely upon to support its position. LILCO will continue to search for responsive documents and will supplement its responses as necessary.

Objections Stated by Counsel

All objections and references to objections were stated by counsel.

Respectfully submitted,

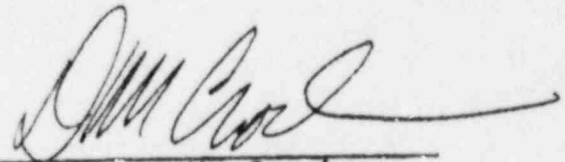
  
James W. Christman  
Mary Jo Leugers  
Counsel for Long Island Lighting Company

Hunton & Williams  
707 East Main Street  
P.O. Box 1535  
Richmond, Virginia 23212

DATED: February 19, 1988

VERIFICATION

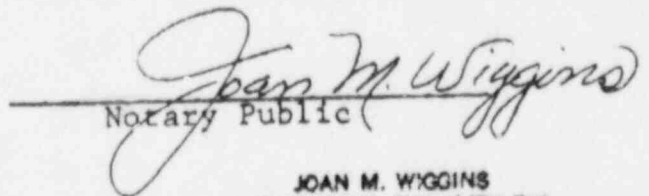
Douglas M. Crocker, being first duly sworn on oath, deposes and says: that he is currently the Manager, Nuclear Emergency Preparedness, Nuclear Operations Support Department for Long Island Lighting Company; that he has personal knowledge of a portion of the subject matter of this litigation; that responsible 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 February 19, 1988, has personally sworn before me that the statements therein are true to the best of his knowledge and belief.

  
Notary Public

JOAN M. WIGGINS  
NOTARY PUBLIC, State of New York  
No. 4859591  
Qualified in Nassau County  
Commission Expires September 15, 1988

My Commission expires: 9/15/88

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CERTIFICATE OF SERVICE

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 Suffolk County's Second Set of Interrogatories and Requests for Production of Documents to Long Island Lighting Company 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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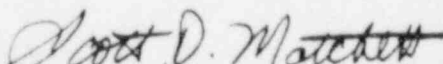
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DATED: February 19, 1988