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LILCO, March 11, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

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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) )

LILCO'S MOTION TO COMPEL ANSWERS TO CERTAIN  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to 10 CFR §2.740(f), Long Island Lighting Company ("LILCO") moves the Board for an order compelling Suffolk County and its expert witnesses to produce documents sought by LILCO's Notices of Deposition to those witnesses and to respond to certain interrogatories and requests for production of documents filed by LILCO on January 13, 1988, and January 27, 1988. In particular, LILCO asks the Board to require Suffolk County to supplement its responses to LILCO's Interrogatories Nos. 23-26, 30, and 35-37 (set out verbatim in footnotes 2 and 3 below).<sup>1/</sup>

<sup>1/</sup> In filing its request, LILCO is mindful of the "Board Memorandum and Order (Setting Hearing and Discovery Schedule)" (March 10, 1988). This Motion to Compel, which is focused on the need for full answers to existing discovery requests, is not occasion for any change in the schedule set forth in that Order. As detailed in this motion, LILCO sought to obtain the information it now seeks to compel during the discovery period and, within that period, sought by letter to negotiate a resolution of this discovery dispute. Suffolk County's final decision to withhold the information was not evident until after the close of discovery when it wrote to LILCO's counsel on March 3 that there was "no reason . . . to update the County's prior responses." See Letter to Mary Jo Leugers from Michael S. Miller (March 3, 1988) (Att. A). An order compelling Suffolk County to respond fully to LILCO's focused discovery requests should not affect the schedule. Under the current schedule, an order to respond by April 1 would leave Suffolk County 20 days to respond and would provide LILCO a dozen days to consider the information in its prefiled testimony.

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### BACKGROUND

Over the past two months, LILCO has sought to discover through depositions, interrogatories, and requests for production of documents the facts and opinions on which Suffolk County's school official expert witnesses are expected to rely in their testimony on LILCO's plan to evacuate public schools in the Shoreham EPZ. Obtaining this information, which relates to one of the central issues of this proceeding -- role conflict -- is critical to LILCO's ability to cross-examine these witnesses and to the effective litigation of this proceeding. LILCO's attempts to obtain this information have been frustrated by Suffolk County's refusal to comply fully with discovery requests. Suffolk County's recent, final refusal to provide such information forces LILCO to seek the Board's aid. See Letter to Mary Jo Leugers from Michael S. Miller (March 3, 1988) ("[N]o reason exists at this time to update the County's prior responses. . .") (Att. A).

LILCO sought discovery of Suffolk County's expert witnesses, as well as their background and experience, opinions, and the bases for those opinions, through Interrogatories 1 and 2 of LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State served on January 5, 1988 (Att. C). On January 13, 1988, LILCO's Second Set of Interrogatories and Requests for Production of Documents further specified its request for that information through Interrogatories 23 through 26, and 30.<sup>2/</sup> Again on

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<sup>2/</sup> LILCO's Second Set of Interrogatories and Requests for Production included the following:

23. Identify by type of emergency, location of emergency, and date of emergency all past emergencies (for example, floods, fires, snowstorms, or hurricanes) known to Intervenor or their Contractors or mentioned in documents in the possession, custody, or control of Intervenor or their Contractors in which bus drivers were called upon to transport people because of the emergency -- for example, to transport school pupils or other members of the public either to their homes (for example, in early dismissal of schools) or to places of safety away from their homes. Include

(footnote continued)

January 27, 1988, LILCO sought the information through its Third Set of Interrogatories and Requests for Production of Documents, including Interrogatories 35 through 37.<sup>3/</sup>

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(footnote continued)

- in "emergencies" any event (for example, snowstorms) that caused a school to dismiss earlier than usual. In each such emergency, how many bus drivers were called upon to transport people because of the emergency?
24. How many instances are known to Intervenors or their Contractors or reported in documents in their possession, custody, or control of bus drivers, in any emergency, attending to the safety of their own families before reporting to perform their bus driving duties? For each of the bus drivers who, in an emergency of any kind, attended to the safety of his own family before reporting to perform his bus driving duties, provide the following information:
- a. What relationship to the driver (for example, son or wife) was the person or persons whose safety the driver attended to before performing his bus-driving duties?
  - b. What was the emergency?
  - c. What was the date of the failure to perform or delay in performing?
  - d. What person or what document has the information about the failure to perform or delay in performing?
  - e. For each delay in performing, how long was the delay?
25. Of the school bus drivers who serve 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, how many have other members of their families living in the Shoreham ten-mile EPZ?
26. When 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, are trained for their jobs, what are they told about
- 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 or bus company when they will not

(footnote continued)

Suffolk County responded to LILCO's interrogatory requests on January 27, 1988, before its school official expert witnesses had been identified. Its answers basically stated that it was generally aware that there had been early dismissals of children from

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(footnote continued)

perform their jobs?

\* \* \* \*

30. Please provide a copy of all documents used in preparing the answers to Requests 23-28 above.

See Attachment E, "Suffolk County's Answers to LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers," which includes the text of LILCO's interrogatories.

3/ In its Third Set of Interrogatories and Requests for Production, LILCO asked the following questions:

35. To the extent not provided by your answers to Requests 23 and 24 in LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State, dated January 13, 1988, please provide one example known to Intervenors (as defined in Definition F of the "Definitions" cited above) of a bus driver who, in an emergency, attended to the safety of his own family before reporting to perform his bus driving duties. For this example please identify the emergency, the date, the organization for which the bus driver worked at the time, the duties the bus driver was expected to perform in connection with the emergency, the length of time before the bus driver reported to perform these duties, and the family members whose safety the driver attended to. Identify also the source (person or document or both) of this example.
36. Give a second example of a bus driver who, in an emergency, attended to the safety of his own family before reporting to perform his bus driving duties and identify the example and source as requested in Request No. 35 above.
37. Give a third example of a bus driver who, in an emergency, attended to the safety of his own family before reporting to perform his bus driving duties and identify the example and source as requested in Request No. 35 above.

See Attachment F, "Suffolk County's Answers to LILCO's Third Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State," which includes the text of LILCO's interrogatories.



schools involving bus transportation, but that, with the exception of discovery materials and testimony from the emergency planning proceedings of 1983-84, Suffolk County was not aware of any information within its possession, custody, or control which was responsive. See Suffolk County's answers to interrogatories 23-26, 30 and 35-37 (Atts. E and F).

On February 12, 1988, near the close of discovery, Suffolk County designated the school officials it intended to call as expert witnesses.<sup>4/</sup> Deposition notices for some of the school official witnesses were served, which included a request that the deponent "produce at deposition for inspection and copying, any and all documents . . . which are relevant to the issue" of whether a sufficient number of school bus drivers can be relied upon to perform emergency services.<sup>5/</sup> The depositions of the remainder of the school official witnesses were by agreement due, in part, to short and at times overnight notice of their availability for deposition. Documents were not produced at any of the depositions of school official witnesses.

Based upon the representation that the newly designated school official witnesses would draw on their experience for their testimony, LILCO, on February 24, 1988, wrote to Suffolk County requesting that it "update its responses to LILCO's interrogatories and requests for production of documents to include information and materials that

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<sup>4/</sup> Dr. Suprina and Mr. Doherty were designated "subject to confirmation" on February 12; they were later confirmed as witnesses. The school officials designated were Bruce G. Brodsky, School Board Member, Middle Country School District; Edward J. Doherty, Supervisor of Transportation for the Riverhead Central School District; Howard M. Koenig, Superintendent of Schools for the East Meadow School District; Nick F. Muto, Superintendent of Schools for the Longwood Central School District; Anthony R. Rossi, Supervisor of Transportation for the Middle Country School District; Robert W. Petrilak, School Board Member, Mt. Sinai Board of Education; J. Thomas Smith, Transportation Coordinator for the Longwood Central School District; and Richard N. Suprina, Superintendent of Schools for the Riverhead Central School District.

<sup>5/</sup> The Notices of Deposition are Attachment G.

are now accessible to the County through its newly designated witnesses." See Letter to Michael S. Miller from Mary Jo Leugers (Feb. 24, 1988) (Att. B).

On March 3, 1988, Suffolk County curtly responded by refusing to provide any additional information relevant to LILCO's interrogatories. See March 3 Letter (Att. A). Suffolk County charged that LILCO's continued pursuit of information about the grounds for expert opinions was the result of:

your misunderstanding or misconception regarding Suffolk County's obligation to update its discovery responses [which] stems primarily from your assumption that, since some of the witnesses designated by Suffolk County are officials of the school districts at issue in this proceeding, the County must necessarily have access to information and materials not available to LILCO. Your assumption, simply put, is wrong.

See March 3 Letter (Att. A).

#### ARGUMENT

##### I. LILCO is Entitled to Discovery.

The basis for this Motion to Compel is twofold. First, LILCO needs this information, which is highly relevant and material to the issues in this proceeding, for a full and fair exposition of the evidence in this proceeding. Second, LILCO needs the factual underpinnings of the school official witnesses' opinions for purposes of cross-examination.

##### A. The Information LILCO Seeks is Relevant and Material to the Issues in this Proceeding.

One of the central issues in this proceeding is whether role conflict will affect the ability to evacuate school children from the Shoreham EPZ. LILCO maintains that it will not and that empirical data on past emergencies show that instances of role abandonment are very rare. Suffolk County and its school official witnesses maintain that role conflict will be a significant problem in a Shoreham evacuation and that they know role abandonment has occurred in prior school emergencies. Nonetheless, Suffolk

County refuses to substantiate its theory by producing the empirical data its witnesses claim to have on role abandonment. Interrogatories 23, 24, and 35 through 37, which Suffolk County refuses to supplement with information allegedly known to its school official witnesses, seek those real-life examples.

LILCO also seeks through Interrogatory 26 information about whether school official witnesses, outside the context of their testimony on the Shoreham plan, view school bus driver role conflict as a problem to be addressed. If instances of role abandonment have occurred and role conflict is the serious concern that these school officials now maintain, that should be evident in their approach to bus driver training. LILCO needs to know.

The third category of role conflict related information that LILCO seeks to compel is the number of bus drivers who have family members living in the EPZ. See Interrogatory 25. Role conflict, if it occurs, has as its central element a concern for family members in the zone of danger. If the school bus drivers' family members are not in the zone of danger, then there can be no role conflict. Answers to Interrogatory 25 that incorporate information available to the school official witnesses would provide LILCO and the Board with this information.

The information that Suffolk County refuses to provide is highly relevant to the issues in this proceeding, is the alleged basis of the school official witnesses' testimony, and has been sought by LILCO through discovery. Fairness requires that LILCO receive this information.

B. LILCO is Entitled to Discover the Grounds for the Opinions of Suffolk County's Expert Witnesses.

It is beyond question that a party is entitled to discover the substance of the facts and opinions relied on by expert witnesses expected to testify at trial, the grounds for each opinion, and the bases for the witnesses' alleged expertise. Federal Rule of

Civil Procedure ("FRCP") 26(b)(4)(A). The purpose of this well-recognized rule is to permit effective cross-examination of expert witnesses. See, e.g., Scott & Fetzer Co. v. Dile, 643 F.2d 670, 673 (9th Cir. 1981); Weiss v. Chrysler Motors Corp., 515 F.2d 449, 456-57 (2nd Cir. 1975). Here, LILCO moves for an order to compel full and fair discovery of the bases for such expert opinions and the bases for the witnesses' alleged expertise.

Discovery in this proceeding has established that the school officials designated as expert witnesses by Suffolk County will testify, based on their knowledge and experience gained through their positions with various school boards, school board associations, and school districts, about the implementability of LILCO's proposal to evacuate school children from the EPZ in the event of an accident at Shoreham. Suffolk County has so stated in its answers to Interrogatories. See Second Supplement to Suffolk County's Answers to LILCO's First Set of Interrogatories and Document Requests Regarding Role Conflict of School Bus Drivers (Feb. 15, 1988), at 1-3 (Att. D). And, without exception, the school official witnesses testified in their depositions that they intend to rely on their experiences as school administrators, transportation supervisors, school superintendents, and school board members as the basis for the opinions they will provide in their testimony.<sup>6/</sup> For example, in his deposition, Mr. Muto stated:

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<sup>6/</sup> Deposition of Bruce G. Brodsky (Feb. 24, 1988), at 9-10 (Att. H); Deposition of Edward J. Doherty (Feb. 18, 1988), at 9-10 (Att. I); Deposition of Howard M. Koenig (Feb. 16, 1988), at 85-89 (Att. J); Deposition of Nick F. Muto (Feb. 29, 1988), at 8-11 (Att. K); Deposition of Robert W. Petrilak (Feb. 18, 1988), at 8 (Att. L); Deposition of Anthony R. Rossi (Feb. 18, 1988), at 7 (Att. M); Deposition of J. Thomas Smith (Feb. 25, 1988), at 11-12 (Att. N); and Deposition of Richard N. Suprina (Feb. 25, 1988), at 37-38 (Att. O).

Q: So, you are basing your opinion that it would be an impossible task on your experience in the previous emergencies that you've had --

A: Yes.

Q: -- at your school?

A: Yes.

Muto Dep. at 11. (Att. K). Similarly, in his deposition Mr. Smith testified that the basis for the opinions he would give would be his experience:

Q: What is this input that you are basing your opinion upon?

A: Number one, my experience was dealing with transporting children; . . .

Smith Dep. at 12 (Att. N). Likewise, Mr. Brodsky testified:

Q: No. My question is: What is your understanding of why you were asked to be a witness in this proceeding?

\* \* \* \*

A: My understanding is to bring my expertise as a long term board member as to the feasibility of evacuating students from a school district in an emergency situation.

Brodsky Dep. at 9-10 (Att. H).

The discovery requests, for which LILCO now moves to compel answers, seek precisely the type of experiential information that the witnesses claim is the basis for their opinions. Specifically, Interrogatory No. 23 seeks information about past emergencies in which school officials dealt with early school dismissal requiring transportation of school children by bus drivers. Likewise, Interrogatory 24 asks whether, in past emergencies requiring early dismissal, the bus drivers attended to the safety of their own families before performing their bus driver duties. Interrogatories 35, 36, and 37 merely seek further examples of the experiential information requested in



Interrogatories 23 and 24, and Interrogatory 30 requests copies of documents that would memorialize such experiences.

LILCO sought to obtain some of this information through the depositions of the school official witnesses, but their responses were circumscribed both by the limits of their memory on the day of the deposition<sup>7/</sup> and by the fact that they had not prepared

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<sup>7/</sup> When Mr. Petrilak was asked a question similar to Interrogatory No. 26, he was unable to provide a detailed response:

Q: Do your drivers receive training in driving during emergencies?

\* \* \* \*

A: I don't fully understand your question. But, I am not fully aware of the exact training all the drivers go through, so I wouldn't be able to answer it anyway.

Petrilak Dep. at 27-28 (Att. L.)

Mr. Doherty, who is the Supervisor of Transportation for the Riverhead Central School District, when asked to provide information similar to that requested Interrogatories 23 and 24, could not provide that information:

Q: You have been describing situations and circumstances from the past in which you had a shortage of drivers. Can you give me more details about those circumstances?

For instance, what -- why were you short of drivers in those circumstances?

\* \* \* \*

A: Going back, I don't know. It was a snowstorm, not this year, where we had an early dismissal and tried to round up drivers and a couple of my drivers just, for some reason or another, we weren't able to get to them or they couldn't get there. I don't really know what the circumstances were.

Doherty Dep. at 63-64 (Att. I). Nor could Dr. Suprina, Superintendent of Schools for the

(footnote continued)

for their deposition testimony other than, in some instances, by reviewing parts of the LILCO Plan and prior testimony.<sup>8/</sup> Understandably, their answers to deposition

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(footnote continued)

Riverhead Central School District, provide that information. He said there were instances where employees had not performed their duties in early dismissal, but could not specify who the employees were or why they did not perform their jobs:

Q: i take it, then, you know of specific examples in which some employees of your school district have, in fact, not stayed and done their jobs in those circumstances of an early dismissal?

A: I know that that has occurred. I could not identify specific people for you, but I know that over my career I have seen that happen.

Suprina Dep. at 55 (Att. O). Mr. Rossi also testified in his deposition that he knew of instances where a bus driver had been contacted for early dismissal purposes and had not shown up, but admitted that he did not recall all of the instances in which drivers were unavailable:

Q: Have you ever contacted a bus driver for early dismissal purposes and have them not show up?

A: Yes.

Q: Could you tell me about that occurrence or occurrences?

A: We have had occasionally drivers that become very nervous with the weather conditions, that become too nervous, be it migraines, headaches or just tension, whatever, and opt to leave before completing their duties or not even beginning their duties.

Q: Are they the only occurrences like that that you can recall?

A: At the moment, yes.

Rossi Dep. at 93 (Att. M).

<sup>8/</sup> During his deposition Mr. Rossi admitted that he had not done any preparation since his previous testimony in 1984 on the issue of role conflict for bus drivers. See

(footnote continued)

questions could not provide the same type of full picture that would be available through a thoughtful response to interrogatories and the production of documents.

LILCO is also entitled to discover non-experiential information known to or in the possession, custody, or control of the school official witnesses that relates to the facts on which they undoubtedly base their opinions on bus driver role conflict. Those facts would include the number of school bus drivers serving the school district whose family members live in the Shoreham EPZ and whether school bus driver training includes instruction on how to deal with an emergency and how to care for one's family in the case of early school dismissal or emergency.

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(footnote continued)

Rossi Dep. at 8-9. Nor had Mr. Muto prepared for his deposition by reviewing any materials that might have refreshed his recollection about his experiences:

Q: Have you reviewed any documents in preparation for — ?

A: No, I have not.

\* \* \* \*

Q: Did you review your prior testimony in this proceeding from '83?

A: No, I have not.

Muto Dep. at 8 (Att. K).

Q: . . . And, what I want to know is what you are doing to help formulate the opinions that you will be expressing in this proceeding?

A: I've not prepared anything to date, and I'm not sure what I would be preparing in the future.

Muto Dep. at 62 (Att. K). See also, Brodsky Dep. at 58-59 (Att. H); Petrilak Dep. at 19-20 (Att. L).

As answers to deposition questions clearly show, the school officials based their testimonial opinion that the LILCO proposal for school evacuation is unworkable on their judgment that bus drivers, including those with families living in the EPZ, would experience role conflict. But, as the deposition transcripts also show, the school officials were often unable to provide specific information to support their opinions. The deposition of Edward J. Doherty provides a good example of how LILCO's efforts to obtain the factual underpinnings of the school official witnesses' opinions were frustrated:

Q: I believe my original question was, and now is, do you believe that any of your drivers would refuse to drive in the event of a Shoreham emergency that required an evacuation of schools in your school district?

A: Some drivers might, yes. And, there would be some reasons for them to do so.

Q: You say some might. How many might?

A: Well --

Mr. Lanpher: Objection. That calls for speculation.

The Witness: I really have no idea, you know, how many would be so involved.

Doherty Dep. at 29-30 (Att. I). This motion to compel seeks production of such information which was not forthcoming in the depositions and which was also requested in Interrogatories 25 and 26.

**II. Suffolk County's Reasons for Refusing to Produce Relevant Information are Without Basis.**

Suffolk County gives three reasons for its refusal to comply with LILCO's repeated requests for information related to the facts and opinions of the school official experts and the bases for those opinions. See March 3 Letter (Att. A). Not one of them is sufficient to justify Suffolk County's refusal to supply this relevant and discoverable information.

A. The School Districts' Status as Separate Political Entities Does Not Justify Suffolk County's Refusal to Comply With LILCO's Discovery Requests.

The County tries to ward off discovery by raising the separate political status of the school districts and incanting that "[a]ny information sought from these entities is within their unique control, custody and possession, and is as available to LILCO as it is to the County." March 3 Letter at 2 (Att. A).

Suffolk County cannot be permitted to designate school officials as experts and then use their employment by a separate entity as a shield to prevent discovery. Suffolk County's position is particularly egregious when one considers that these witnesses are to give not only their own opinions on the implementability of the LILCO Plan, but also the opinions of the very school districts from which they are distanced for purposes of discovery. See Second Supplement to Suffolk County's Answers at 2-3 (Att. D).

Indeed, in their depositions the witnesses confirmed that their opinions would be offered on behalf of their school districts as well as themselves. Mr. Petrilak stated:

Q: Is it in your capacity as a member of the Mt. Sinai Board of Education that you are here as a witness?

A: Yes, it's in that capacity.

Petrilak Dep. at 5 (Att. L). Later in his deposition, Mr. Petrilak again confirmed that he was representing the Mt. Sinai School District in the testimony he would give as a witness.

Q: I have one last question for you, Mr. Petrilak. What is your understanding of who you are representing as a witness in this proceeding?

A: I am representing the Mt. Sinai School District, specifically the Mt. Sinai School Board, the Board of Education, which sets the policy for the School District.



Q: When you testify in this proceeding, is it your understanding that you will be speaking as a representative of the Mt. Sinai School Board?

A: Yes, that's correct.

Petrilak Dep. at 40-41. Dr. Suprina's deposition also confirmed that he would be representing his school district when he testified as a witness in this proceeding.

Q: Who are you representing as a witness in this proceeding, or what is your understanding of who you are representing?

A: I believe I am representing the Board of Education and the best interest of the parents and children in the Riverhead Central School District.

Suprina Dep. at 59 (Att. O). Mr. Muto, Superintendent of Schools for the Longwood Central School District also stated under oath that he would be representing the opinions of his school district.

Q: In being a witness in this proceeding, are you representing the Suffolk County's position about what is wrong with LILCO's plan? Or, is it the position of your school district?

A: I'm only here testifying as the Superintendent of Longwood Schools.

Q: Okay. So, is it correct to say that you are representing just the opinions of the school district?

A: Correct.

Muto Dep. at 61-62 (Att. K).

Suffolk County has engaged these school official witnesses to offer expert testimony about the implementability of the LILCO Plan based both on their experience and on their knowledge and understanding of the positions taken by their school districts. The information requested is clearly within both the possession, custody, and control and the knowledge of the school official witnesses since they intend to rely on it as the basis of their testimony. LILCO is entitled to obtain that information through both

document discovery and through interrogatory answers that incorporate the knowledge of Suffolk County's experts.

B. The Non-Party Status of the School  
School Districts Does Not Preclude Discovery.

In a second attempt to obscure LILCO's right to discover the facts relied on and opinions held by the school official witnesses, Suffolk County objects to LILCO's discovery requests on the ground that the school districts are not parties in this proceeding. In its March 3 letter refusing discovery, the County writes:

[S]imply because the school officials who will testify for the County can and will present the views of their school districts regarding LILCO's schools evacuation proposal, that does not mean that the school districts have become parties to this proceeding and are therefore subject to LILCO's discovery requests and demands for information. . . The designation of witnesses who will testify on Suffolk County's behalf, but who also hold positions which allow them to "speak" for their respective school districts, does not provide LILCO a way to conduct discovery against the school districts through Suffolk County.

March 3 Letter at 2 (Att. A).

LILCO does not seek to make the school districts parties to this proceeding, nor need they be parties for the requested information to be produced. The information requested is limited in scope to the experience of the school official witnesses, and the school districts on whose behalf they speak, with early dismissal and with school bus drivers' behavior in emergencies, including those requiring early dismissal. These are facts on which these witnesses have said they rely for their testimony; they must be within their knowledge, possession, custody, or control. LILCO simply seeks to understand the facts and experiences which underlie the opinions of the school district witnesses. It requires the requested information to do so.

C. LILCO Has Not Forfeited Its Right To the Requested Information.

Finally, Suffolk County argues that, in the depositions of the school official witnesses, LILCO did not request documents or ask the kinds of questions for which LILCO now demands answers, and on that basis the County is not obligated to provide responses to Interrogatories Nos. 23-26, 30, and 35-37 that would include the knowledge of the school official witnesses. The County's argument is without basis either in fact or in law.

It is clear that LILCO was under no obligation to request information responsive to its Interrogatories in the course of its depositions of the County's witnesses. The various methods of discovery set out in the Federal Rules of Civil Procedure and the NRC Rules of Practice are intended to be cumulative rather than alternative or exclusive; a party may take both depositions and interrogatories as long as he is not attempting to circumvent a court ruling, or to harass or oppress an adverse witnesses. 10 C.F.R. § 2.740(d); FRCP 26; see also, Taylor v. Atchison, Topeka and Santa Fe Railway Company, 33 F.R.D. 283, 285 (1962); Stonybrook Tenants Association, Inc. v. Alpert, 29 F.R.D. 165, 167 (1961). In other words, a party may seek to secure various information through various methods of discovery.

The benefit of multiple means of discovery is obvious. Depositions require the deponent to rely on his or her memory. Interrogatories, on the other hand, permit a party to reflect on the discovery request, to make whatever investigation may be necessary, and then to provide an appropriate response. LILCO's decision not to pursue, in every deposition of the County's school official witnesses, the very questions posed in the interrogatories directed to the County and its witnesses cannot be taken as a waiver of LILCO's right to discover the information. Thus, the County is not excused from responding to the discovery requests.

Moreover, LILCO did ask, in each deposition, for the witnesses' opinions and the facts and experience on which those opinions were based. Indeed, even Suffolk County admits, in its March 3 letter, that in the depositions of Dr. Suprina and Mr. Smith, LILCO asked for the information sought in its discovery requests. See March 3 Letter at 2 (Att. A). Unfortunately, because the witnesses were forced to rely on memories that had not been recently refreshed, the answers were not comprehensive.

For example, when Dr. Suprina was asked whether he could identify instances in which persons in his school district had apparently experienced role conflict, he was unable to give specific details:

Q: I take it, then, you know of specific examples in which some employees of your school district have, in fact, not stayed and done their jobs in those circumstances of an early dismissal?

A: I know that that has occurred. I could not identify specific people for you, but I know that over my career I have seen that happen.

Q: Do you know for any case, and again, it is difficult, do you know the reasons why those persons left or failed to perform their jobs?

A: I think it could range from a number of different things. They were concerned about their own safety. They wanted to get a head start without basically snow. They were concerned about their child's safety, so they wanted to go and pick he or she up from the baby sitter or from the nursery school.

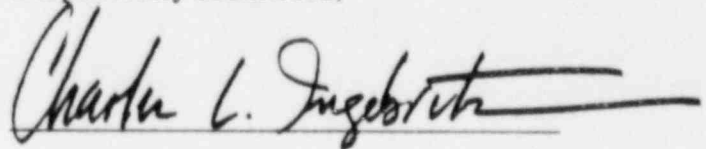
There are probably some other reasons, but I can't think of them off hand.

Suprina Dep. at 55-56 (Att. C). The vague responses received to deposition inquiries highlights the need for an order compelling responses to the discovery requests.

CONCLUSION

For the foregoing reasons, LILCO requests the Board to order Suffolk County to supplement its answers to Interrogatories Nos. 23-26, 30, and 35-37 based on the knowledge of its school official witnesses and to provide the requested documents in their possession, custody, and control.

Respectfully submitted,

A handwritten signature in cursive script, reading "Charles L. Ingebretson", with a horizontal line underneath the name.

James N. Christman  
Mary Jo Leugers  
Charles L. Ingebretson  
Counsel for Long Island Lighting Company

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DATED: March 11, 1988



LIST OF ATTACHMENTS

- Attachment A Letter to Mary Jo Leugers from Michael S. Miller (March 3, 1988)
- Attachment B Letter to Michael S. Miller from Mary Jo Leugers (Feb. 24, 1988)
- Attachment C LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State (Jan. 5, 1988)
- Attachment D Second Supplement to Suffolk County's Answers to LILCO's First Set of Interrogatories and Document Requests Regarding Role Conflict of School Bus Drivers (Feb. 15, 1988)
- Attachment E Suffolk County's Answers to LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers (Jan. 27, 1988)
- Attachment F Suffolk County's Answers to LILCO's Third Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State (Feb. 10, 1988)
- Attachment G Notices of Deposition for Robert Petrilak, Edward Doherty, and Anthony Rossi (Feb. 17, 1988)
- Attachment H Excerpts from Deposition of Bruce G. Brodsky (Feb. 24, 1988)
- Attachment I Excerpts from Deposition for Edward J. Doherty (Feb. 18, 1988)
- Attachment J Excerpts from Deposition of Howard M. Koenig (Feb. 16, 1988)
- Attachment K Excerpts from Deposition of Nick F. Muto (Feb. 29, 1988)
- Attachment L Excerpts from Deposition of Robert W. Petrilak (Feb. 18, 1988)

Attachment M	Excerpts from Deposition of Anthony R. Rossi (Feb. 18, 1988)
Attachment N	Excerpts from Deposition of J. Thomas Smith (Feb. 25, 1988)
Attachment O	Excerpts from Deposition of Richard N. Suprina (Feb. 25, 1988)

## KIRKPATRICK &amp; LOCKHART

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MICHAEL S. MILLER  
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March 3, 1988

VIA FEDERAL EXPRESS

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

Dear Mary Jo:

By letter dated February 24, 1988, you requested that Suffolk County update its responses to LILCO's interrogatories and requests for production of documents "to include information and materials that are now accessible to the County through its newly designated witnesses." Specifically, you requested that Suffolk County provide updated responses to LILCO Interrogatories Nos. 8-11, 18, 23-26, 28-30, 35-37, 41-45, and 47-52. Your request was apparently based upon your interpretation of 10 CFR § 2.740(e); at least, in your letter you suggested that Suffolk County's designation of new witnesses "obligated" the County to amend its prior responses, since such responses, in your opinion, were likely "no longer true."

Contrary to your suggestion, our review of Suffolk County's responses to LILCO's interrogatories and document requests reveals that the County's designation of additional witnesses has not rendered any of its prior responses untrue or incorrect. Thus, there is no need, and certainly no obligation upon Suffolk County, to update or amend its prior discovery responses.

It would appear from your letter that the basis of your misunderstanding or misconception regarding Suffolk County's obligation to update its discovery responses stems primarily from your assumption that, since some of the witnesses designated by Suffolk County are officials of the school districts at issue in this proceeding, the County must necessarily have access to information and materials not available to LILCO. Your assumption, simply put, is wrong.

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KIRKPATRICK & LOCKHART  
Mary Jo Leugers, Esq.  
March 3, 1988  
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First, as Suffolk County has consistently noted in its prior discovery responses (see, e.g., Suffolk County's Answers to LILCO's First Set of Interrogatories and Requests for Production of Documents, dated January 19, 1988), the school districts at issue in this proceeding are separate and distinct political entities from the County. Any information sought from these entities is within their unique control, custody and possession, and is as available to LILCO as it is to the County.

Second, LILCO must surely realize by now that the subject school districts are not parties to this proceeding; this fact is not changed by the status of the school officials who will testify for Suffolk County. Put another way, simply because the school officials who will testify for the County can and will present the views of their school districts regarding LILCO's schools evacuation proposal, that does not mean that the school districts have become parties to this proceeding and are therefore subject to LILCO's discovery requests and demands for information. The interrogatories and document requests referenced in your February 24 letter were directed to Suffolk County, and were responded to by Suffolk County. It is still Suffolk County which is obligated to respond to LILCO's discovery requests. The designation of witnesses who will testify on Suffolk County's behalf, but who also hold positions which allow them to "speak" for their respective school districts, does not provide LILCO a way to conduct discovery against the school districts through Suffolk County.

Third, during the course of its depositions of the schools officials who have been designated to testify on behalf of Suffolk County, you and the other members of your firm who have attended the depositions had ample opportunity to direct any questions you wished to the witnesses. You also had the opportunity to request any information or documents you wished from the witnesses. In some instances, you took advantage of the opportunity available to you. Thus, for example, during the depositions of Dr. Richard Suprina, Superintendent of Riverhead Central School District, and Mr. Thomas Smith, Supervisor of Transportation of Longwood Central School District, information responsive to LILCO Interrogatories Nos. 24 and 35-37 was requested. For the most part, however, counsel for LILCO failed to request information from the witnesses, or to ask the witnesses the kinds of questions for which LILCO now demands answers. Under these circumstances, the County is not obligated to now provide the information and documents requested in your February 24 letter -- especially when the information and documents sought are within the unique control, custody and possession of the school districts, and not the County.

KIRKPATRICK & LOCKHART

Mary Jo Leugers, Esq.

March 3, 1988

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I trust that the foregoing makes clear Suffolk County's position with respect to the "requests" set forth in your February 24 letter. Clearly, notwithstanding the implications of your letter, Suffolk County, throughout the schools discovery period, has diligently fulfilled its obligation to provide to LILCO any and all relevant information and documents responsive to LILCO's discovery requests. On those occasions when such information and/or documents only became known to Suffolk County after responses to LILCO's requests had been made, we have promptly updated or amended our prior responses. Indeed, to date, the County has supplemented prior discovery responses on at least four occasions -- on January 27, February 15, February 17 and February 26, 1988.

To that end, additional information and documents responsive to LILCO Interrogatories Nos. 11, 18, 28, and 29 have recently been received by counsel for Suffolk County, and are provided with this letter. See "Suffolk County's Fourth Supplemental Response to LILCO's First Set of Interrogatories and Request for Production of Documents Regarding Role Conflict of School Bus Drivers" and "Suffolk County's Second Supplemental Response to LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers," both dated March 3, 1988. Suffolk County has received no additional information responsive to LILCO Interrogatories Nos. 8-10, 12-14, 23-26, 30, 35-37, 41-45, or 47-52, however. Thus, contrary to the expectations expressed in your February 24 letter, no reason exists at this time to update the County's prior responses to these interrogatories.

Sincerely,



Michael S. Miller

Enclosure

cc: Charles A. Barth, Esq.  
William R. Cumming, Esq.  
Richard J. Zahnleuter, Esq.  
Stephen B. Latham, Esq.



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February 24, 1988

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TELECOPY

Michael S. Miller, Esq.  
Kirkpatrick & Lockhart  
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Washington, D.C. 20036-5891

Dear Mike:

On several different occasions we have asked that Suffolk County update its responses to LILCO's interrogatories and requests for production of documents to include information and materials that are now accessible to the County through its newly designated witnesses. Suffolk County is obligated by the NRC regulation to amend prior responses for which it knows "that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment." 10 CFR § 2.740(e)(2)(ii). Accordingly, LILCO requests that you review your responses to LILCO's interrogatories and requests for production of documents and update those responses that are no longer correct. At a minimum, LILCO expects updated responses to LILCO Interrogatories Nos. 8-14, 18, 23-26, 28-30, 35-37, 41-45, and 47-52.

Since these new witnesses were designated over a week ago, we would appreciate your response to this request no later than Friday, February 26.

Sincerely yours,

*Mary Jo / SDM*  
Mary Jo Leugers

MJL/d1

LII CO, January 5, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,  
Unit 3)

)  
)  
) Docket No. 50-322-OL-3  
) (Emergency Planning)  
) (School Bus Driver Issue)  
)

**LILCO'S FIRST SET OF INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS REGARDING ROLE CONFLICT OF  
SCHOOL BUS DRIVERS TO SUFFOLK COUNTY AND NEW YORK STATE**

Long Island Lighting Company, by its counsel, propounds the following interrogatories to Suffolk County and New York State ("Intervenor" or "the Intervenor(s)"), pursuant to §§ 2.740, 2.74b, and 2.741 of the Nuclear Regulatory Commission's Rules of Practice. By propounding these interrogatories LILCO makes no admission or representation about the proper scope of the issues to be decided or the evidence that may be presented.

**INSTRUCTIONS**

A. Each interrogatory shall be answered separately and fully in writing under oath in accordance with § 2.740b of the NRC's Rules of Practice. To the extent that Intervenor(s) do not have specific, complete, and accurate information with which to answer any interrogatory, Intervenor(s) should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto. Where exact information is not available, estimated information should be supplied; the answer should state that the information is an estimate and the basis on which the estimate was made. Where appropriate, the upper and lower boundaries of the estimate should be given.

~~88-113-31~~ (14pp)

B. Each interrogatory shall be deemed to be continuing, and Intervenor's are requested seasonably to supplement answers with additional facts, documents, information, and names of witnesses which become known, in accordance with § 2.740(e)(1) and (2) of the NRC's Rules of Practice.

C. The words "and" and "or" shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

D. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

E. Wherever appropriate, the masculine form of a word shall be interpreted as feminine, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

F. Please produce each document in the form and condition in which it exists on the date of service of this request, including all comments, notes, remarks, and other material that may have been added to the document after its initial preparation.

G. If Intervenor's object to or claim a privilege (attorney-client, work product, or other) with respect to any interrogatory or document request, in whole or in part, or seek to withhold documents or information because of the alleged proprietary nature of the data, please set forth all reasons and the underlying factual basis for the objection or claim of privilege in sufficient detail to permit the Licensing Board to determine the validity of the objection or claim of privilege. This description by Intervenor's should include with respect to any document: (1) author, addressor, addressee, recipients of indicated and "blind" copies together with their job titles; (2) date of preparation; (3) subject matter; (4) purpose for which the document was prepared; (5) all persons to whom

distributed, shown, or explained; (6) present custodian; (7) all persons believed to have a copy of the document; and (8) the nature of the privilege or objection asserted.

H. For any document or part of a document that was at one time, but is no longer, in Intervenor's possession, custody, or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and the reasons therefor, and identify each person having knowledge concerning such disposition or loss and the contents of the document, and identify each document evidencing its prior existence and/or any fact concerning its nonexistence or loss.

I. When, in order to answer a question fully or accurately, it is necessary to distinguish between the responses of individual Intervenor's or to identify individual Intervenor's, such distinctions or identifications should be made in the answer.

#### DEFINITIONS

A. "Person" means any individual, corporation, partnership, unincorporated association, joint venture, government or agency thereof, or other legal entity or form of organization or association.

B. "Document" means the original and each copy, regardless of origin or location, of any written, typed, printed, recorded or graphic material, however produced or reproduced, or any tangible thing that in whole or in part illustrates or conveys information, including but not limited to papers, letters, notes, books, correspondence, memoranda, interoffice or intraoffice communications, corporate records, memoranda or minutes of meetings, or conversations whether personal or telephonic, cablegrams, mailgrams, telegrams, reports, summaries, surveys, analyses, studies, calculations, projections, ledgers, journals and other formal or informal books of record or account, bulletins, notices, announcements, advertisements, catalogs, manuals, instructions,

agreements, contracts and other legal documents, notebooks, clippings, vouchers, checks and drafts, bills, receipts, invoices, calendars, appointment books, diaries, preliminary drafts and working papers, drawings, sketches, graphs, charts, plans, specifications, blueprints, photographs, films, videotapes, tapes, recordings, computer-stored and computer-retrievable information, annotations or markings appearing on any document or thing, and all other writings and recordings of every description, however denominated, translated or described.

C. "Communication" or "contact" includes every exchange of information by any means including but not limited to personal or telephonic.

D. "LILCO" or "LILCO personnel" mean Long Island Lighting Company and any affiliate, agent, employee, consultant, contractor, technical advisor, representative, or other person acting for on behalf of LILCO, or at LILCO's direction or control, or in concert with LILCO or assisting LILCO.

E. "Shoreham" means the Shoreham Nuclear Power Station, Unit 1, any part thereof, or any structure, system, component, instrumentation, equipment, or materials included in, or intended to be included in, Shoreham.

F. "Intervenors" means Suffolk County, New York State, and the Town of Southampton, or any of them, or any agency thereof and any agent, employee, consultant, contractor, technical advisor, representative or other person acting for or on behalf of them, or at their direction and control, or in concert with or assisting them.

G. "Contractor" means any person, not affiliated with Intervenors, who performed work concerning Shoreham on behalf of Intervenors and/or pursuant to a contract with Intervenors or sub-contractors who performed work on behalf of a contractor with whom the person was not affiliated and pursuant to a contract with such contractor. A person other than a contractor, who contracts with the sub-contractor, shall be deemed a sub-contractor.

H. "Concerns," "concerning," or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, compromising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting, and constituting.

I. "Identify" when used in reference to a natural person means to set forth the following:

1. his name;
2. his last known residential address;
3. his last known business address;
4. his last employer;
5. his title or position;
6. his area of responsibility;
7. his business, professional, or other relationship with Intervenor; and
8. if any of the above information is changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

J. "Identify" when used in reference to a corporation or other entity that is not a natural person shall mean to set forth the following:

1. the full name of such person, including its legal name and any assumed or trade names under which it transacts or has transacted business;



2. the nature or form of such a person, if known;
3. the address of its principal place of business or the principal place where such person is to be found;
4. whether Intervenor has or has had any relationship or affiliation with such person, its affiliates or subsidiaries, and, if so, a description of such relationship; and
5. if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

K. "Identify" when used in reference to a document shall mean to set forth the following:

1. its title;
2. its subject matter;
3. its date;
4. its author;
5. its addressee;
6. its file designation or other identifying designation; and
7. its present location and present custodian.

L. "Identify" with respect to a contact or communication shall mean to set forth the following:

1. the date of the communication;
2. the place of the making and place of receipt of the communication;

3. the type and means of communication;
4. the substance of the communication;
5. each person making a communication, and his location at the time the communication was made;
6. each person to whom the communication was made, and his location at the time the communication was made;
7. all other persons present during, participating in, or receiving the communication and the location of each such person at the time;
8. each document concerning such communication; and
9. each document upon which the communication is based or which is referred to in the communication.

M. "Analysis" means research, investigation, audit, inspection, review, evaluation, testing, monitoring, or any other method or form of examining data and/or forming conclusions or recommendations.

N. "NRC" or "NRC Staff" means the Nuclear Regulatory Commission and its staff, any division or section or region thereof, any staff member thereof, or any agent, consultant, contractor, technical advisor, employee, or representative of the NRC.

O. "FEMA" means the Federal Emergency Management Agency and its staff, any division or section or region thereof, any staff member thereof, or any agent, consultant, contractor, technical advisor, employee, or representative of FEMA.

### INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

#### Identification of Witnesses

1. Please identify each witness Intervenor expect to call to testify on any factors concerning "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 (Ruling on Applicant's Motion of October 22, 1987 for Summary Disposition of Contention 25.C "Role Conflict" of School Bus Drivers) (December 30, 1987) at 5. For each witness, other than experts, that Intervenor expect to call, state the subject matter on which he is expected to testify and the substance of the facts to which he is expected to testify. For each witness that Intervenor expect to call as an expert witness, state the subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and the summary of the grounds for each such opinion.

2. For each witness, please provide a copy of his most current curriculum vitae, resume, or statement of professional qualifications.
3. Please list any NRC, legislative, or other legal proceeding in which each witness has testified on any matter concerning role conflict or school evacuations during disasters or emergencies.
4. Please provide a copy of any prefiled testimony listed in response to Interrogatory 3 above.
5. Please identify all articles, papers, and other documents authored or coauthored by each witness on the subject of role conflict or school evacuations during disasters or emergencies.
6. Please state whether each witness has prepared, or has had prepared, any written studies, reports, analyses, or other documents with respect to any of the following:
  - (a) Role conflict during large-scale disasters or emergencies especially concerning, but not limited to, school bus drivers or other persons who traditionally do not have emergency roles during emergencies.

- (b) School evacuations or plans for school evacuations for disasters or emergencies, including, but not limited to, a Shoreham emergency.
7. Unless the answer to Interrogatory 6 above is a simple negative, please identify and provide a copy of each document.

Identification of Information

8. Please identify the number of students currently enrolled at each school located in the 10-mile EPZ for Shoreham as identified in "LILCO's Motion for Summary Disposition of Contention 25.C ("Role Conflict" of School Bus Drivers) (October 22, 1987) (hereinafter "Motion") at Attachment 1, and the source of this information. Identify which of these schools are on split sessions and provide the current number of students in attendance during each split session for each school.
9. Please identify each and every bus company that contracts with each school identified in LILCO's Motion at Attachment 1 to transport school children. For each school, specify which bus companies provide buses and drivers.
10. Identify the number of school bus drivers under contract to or on the payroll of each school and school district in the EPZ identified in LILCO's Motion at Attachment 1. Specify the number of drivers that are designated for each school.
11. Identify any contacts and communications the Intervenors have had with any school or school district in the EPZ regarding evacuation of those schools during a Shoreham emergency. Include, for each contact and communications, the school or school district contacted and the person talked with, the date of each contact, and the substance of each conversation. Please produce any documents related to such contacts.

12. Identify any contacts the Intervenors have had with any bus companies under contract to the schools and school districts in the EPZ regarding evacuation of those schools during a Shoreham emergency. Include, for each contact, the bus company contacted and the person talked with, the date of each contact, and the substance of each conversation. Please produce any documents related to such contacts.
13. Identify any contacts the Intervenors have had with any bus companies on Long Island, to the extent not identified in Interrogatory 13, regarding evacuation of those schools during a Shoreham emergency. Include, for each contact, the bus company contacted and the person talked with, the date of each contact, and the substance of each conversation. Please produce any documents related to such contacts.
14. Identify any contacts the Intervenors have had with any school bus drivers on the payroll of or under contract with schools or school districts in the EPZ regarding evacuation of those schools during a Shoreham emergency. Identify, for each contact, the person talked with, the date of each contact, and the substance of each conversation. Please produce any documents related to such contacts.
15. State, for all nuclear power plants in New York State other than Shoreham, whether schools and school districts in the EPZs for those plants plan to evacuate school children in a single wave or in multiple waves. In responding to this request, identify this information on a county-by-county basis for each nuclear power plant in New York.

16. State, for all nuclear power plants in New York State other than Shoreham, whether schools and school districts in the EPZs for those plants plan to use bus drivers to evacuate school children in addition to school bus drivers ordinarily on the payrolls of or under contract to these schools and school districts. In responding to this request, identify this information on a county-by-county basis for each nuclear power plant in New York.
17. For the additional bus drivers, if any, identified in response to Interrogatory 16 above, identify the type of training these bus drivers receive and the laws, regulations, and ordinances that govern the use of these additional bus drivers to evacuate school children during a radiological emergency.

Identification of Other Documents

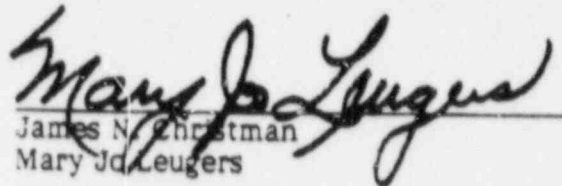
18. Please identify and provide a copy of any document not already identified in response to Interrogatories 7 and 11-14 above on which Intervenors intend to rely in support of their position on the issue of whether there will be a sufficient number of school bus drivers to evacuate schools during a Shoreham emergency.

Alleged Deficiencies in LILCO's Proposal to Use LERO School Bus Drivers to Evacuate Schools in the EPZ

19. Please list each and every factor that Intervenors claim might make LILCO's proposal to evacuate all schools in the EPZ in a single wave unworkable and inadequate to protect the public health.
20. To the extent not covered by the answer to Interrogatory 9 above, please list every respect in which Intervenors claim that LILCO's procedures for using auxiliary school bus drivers to evacuate school children are inadequate.



21. Please list each and every State and local law, regulation, or ordinance that Intervenor claim might make LILCO's proposal to evacuate schools in the EPZ in a single wave illegal.
22. Please list each and every State and local law, regulation, or ordinance that the Intervenor claim that LILCO must satisfy to use auxiliary school bus drivers and buses to evacuate school children during a Shoreham emergency.

  
James N. Christman  
Mary Jo Leugers

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

DATED: January 5, 1988

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 FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING ROLE CONFLICT OF SCHOOL BUS DRIVERS TO SUFFOLK COUNTY AND NEW YORK STATE 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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Atomic Safety and Licensing Board  
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Silver Spring, Maryland 20901

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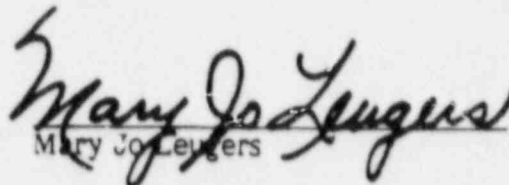
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DATED: January 5, 1988

February 15, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

Docket No. 50-322-OL-3  
(Emergency Planning)

SECOND SUPPLEMENT TO SUFFOLK COUNTY'S ANSWERS TO  
LILCO'S FIRST SET OF  
INTERROGATORIES AND DOCUMENT REQUESTS REGARDING  
ROLE CONFLICT OF SCHOOL BUS DRIVERS

Suffolk County hereby supplements its Answers of January 19, and its Supplemental Response of January 27, to LILCO's First Set of Interrogatories and Requests for Production of Documents regarding role conflict of school bus drivers.

LILCO Interrogatory No.1

Supplemental answer. By letter dated February 12, 1988, the County identified seven witnesses and two tentative additional witnesses. A copy of that letter is attached hereto, and is incorporated by reference herein. It identifies, for each

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witness, the subject matter on which he is expected to testify. The following additional information is provided in further response to this interrogatory.

The testimony of Dr. Allen Barton will be based generally upon his knowledge and experience in the field of sociology (including the subjects of survey research methods, disaster research, organizational behavior, and role conflict), the literature in those fields, and survey data provided by Dr. Cole.

The testimony of Robert Petrilak and Dr. Bruce Brodsky will be based upon their experience as members of their respective school boards (Mt. Sinai and Middle Country), their knowledge and understanding of the positions taken by those boards with respect to LILCO's auxiliary bus driver proposal for evacuation of school children in a Shoreham emergency and the bases for such positions, and their knowledge and experience concerning matters relating to the implementability of LILCO's proposal. In addition, Dr. Brodsky's testimony will also be based upon his experience and knowledge gained through his positions with the Brookhaven Town School Boards Association, the Nassau-Suffolk School Boards Association, and the New York State School Boards Association.

The testimony of Dr. Muto, Dr. Koenig, and Dr. Suprina will be based upon their experience as Superintendents of Schools in their respective school districts (Longwood, East Meadow, and Riverhead), their knowledge and understanding of the positions taken by those districts with respect to LILCO's auxiliary bus driver proposal for evacuation of school children in a Shoreham

emergency and the bases for such positions, and their knowledge and experience concerning matters relating to the implementability of LILCO's proposal. In addition, the testimony of Drs. Koenig and Muto will be based upon their experience and knowledge gained through their positions with the Nassau-Suffolk School Boards Association.

The testimony of Messrs. Rossi, Smith, and Dougherty will be based upon their experience as Directors of Transportation for their respective school districts (Middle Country, Longwood, and Riverhead), their knowledge and understanding of the positions taken by those districts with respect to LILCO's auxiliary bus driver proposal for evacuation of school children in a Shoreham emergency and the bases for such positions, and their knowledge and experience concerning matters relating to the implementability of LILCO's proposal. In addition, the testimony of Mr. Rossi will be based upon his experience and knowledge gained through his position as President of the Suffolk Chapter of the New York Association of Pupil Transportation.

LILCO Interrogatory No.2

Supplemental answer. A copy of Dr. Koenig's resume was attached to the February 12 letter referenced in the answer above and attached hereto. The resumes of the other witnesses will be provided as soon as we receive them.



LILCO Interrogatory No. 3

Supplemental answer. Dr. Muto and Messrs. Petrilak, Smith, and Rossi testified in the 1983-84 emergency planning hearings in this proceeding.

LILCO Interrogatory No. 4

Supplemental answer. The testimony of Dr. Muto and Messrs. Petrilak, Smith, and Rossi was provided in connection with the 1983-84 hearings.

LILCO Interrogatory No. 5

Supplemental answer. At this time, we are able to identify the following works, authored by Dr. Barton, which include discussions on the subject of role conflict during disasters:

"Social Organizations under Stress: A Sociological Review of Disaster Research," (National Academy of Science - National Research Council: Washington, D.C., 1963).

"Organization and Mass Behavior in the Emergency Social System," in Man and Society in Disaster, George W. Baker and Dwight Chapman, ed. (New York: Basic Books, 1962).

Communities in Disaster, (New York: Doubleday, 1969)

LILCO Interrogatory No. 6

Supplemental answer. See supplemental answer to Interrogatory No. 5. We will supplement this response, if necessary, upon further discussion with the newly identified witnesses.

LILCO Interrogatory No. 7

Supplemental answer. The works of Dr. Barton are in the public domain, and should be easily accessible to LILCO.

LILCO Interrogatory No. 11


Supplemental answer. The following "contacts and communications" may be responsive to this interrogatory:

1. February 1, 1988, contact between Karla J. Letsche, Kirkpatrick & Lockhart, and Miller Place Union Free School District, Middle Country Central School District and Mt. Sinai Union Free School District, concerning anticipated litigation of LILCO's new school evacuation proposal.
2. February 8, 1988, contact between Karla J. Letsche, Kirkpatrick & Lockhart, and Miller Place Union Free School District, Mt. Sinai Union Free School District, Middle Country School District, East Meadow Union Free School District, and Riverhead Central School District, concerning anticipated litigation of LILCO's new school evacuation proposal.
3. February 11, 1988, contact between Michael S. Miller and Karla J. Letsche, Kirkpatrick & Lockhart, and Middle Country Central School District, Riverhead Central School District, Comsewogue Union Free School District, Longwood Central School District, and Mt. Sinai Union Free School District concerning anticipated litigation of LILCO's new school evacuation proposal.

4. February 12, 1988, contact between Michael S. Miller and Karla J. Letsche, Kirkpatrick & Lockhart, and Middle Country Central School District, Riverhead Central School District, Miller Place Union Free School District, Longwood Central School District, and Mt. Sinai Union Free School District concerning anticipated litigation of LILCO's new school evacuation proposal.

The other information requested by this interrogatory is protected from disclosure by the attorney work product privilege.

All objections and assertions of privilege, or reference thereto, were stated by counsel.

  
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Karla J. Letsche

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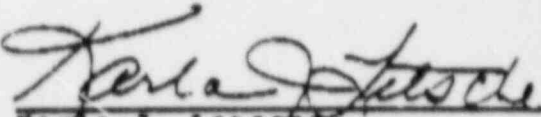
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Agency  
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\* By Telecopy

  
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B. The County objects to all interrogatories and document requests to the extent they seek information or documents outside of the possession, custody or control of the County.

C. The County objects to all interrogatories, document requests, definitions, and instructions insofar as they require the disclosure of any information protected by the attorney-client privilege or work product doctrine.

## II. ANSWERS TO INTERROGATORIES AND DOCUMENT REQUESTS

### Interrogatories

#### LILCO Interrogatory No. 23

23. Identify by type of emergency, location of emergency, and date of emergency all past emergencies (for example, floods, fires, snowstorms, or hurricanes) known to Intervenor or their Contractors or mentioned in documents in the possession, custody, or control of Intervenor or their Contractors in which bus drivers were called upon to transport people because of the emergency -- for example, to transport school pupils or other members of the public either to their homes (for example, in early dismissal of schools) or to places of safety away from their homes. Include in "emergencies" any event (for example, snowstorms) that caused a school to dismiss earlier than usual. In each such emergency, how many bus drivers were called upon to transport people because of the emergency?

Answer. Suffolk County states that, at the present time, and to the best of its knowledge, the County is generally aware that there have been early dismissals involving bus transporta-

tion of children from schools during snowstorms. With the exception of discovery materials and testimony by all parties in conjunction with the emergency planning proceedings of 1983-84, the County is not aware of any information within its possession, custody or control which is responsive to this Interrogatory. To the extent such information may be found in the record of the 1983-84 litigation, such information is as accessible to LILCO as it is to the County. The County is, however, currently in the process of searching for any additional documents that would be responsive to this Interrogatory, and will promptly inform LILCO if any such documents are identified or if the County otherwise becomes aware of any information responsive to this Interrogatory. On information and belief, some of the information requested may be in the possession, custody or control of the school districts which govern the schools at issue (i.e., those 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. The school districts are separate and distinct political entities from the County, however.

LILCO Interrogatory No. 24

24. How many instances are known to Intervenor's or their Contractors or reported in documents in their possession, custody, or control of bus drivers, in any emergency, attending to the safety of their own families before reporting to perform their bus driving duties? For each of the bus drivers who, in an emergency of any kind, attended to the safety of his own family before reporting to perform his bus driving duties, provide the following information:

- a. What relationship to the driver (for example, son or wife) was the person or persons whose safety the driver attended to before performing his bus-driving duties?
- b. What was the emergency?
- c. What was the date of the failure to perform or delay in performing?
- d. What person or what document has the information about the failure to perform or delay in performing?
- e. For each delay in performing, how long was the delay?

Answer. With the exception of testimony during the emergency planning proceedings of 1983-84, Suffolk County states that, at the present time, and to the best of its knowledge, the County is not aware of any information within its possession, custody or control which is responsive to this Interrogatory. To the extent such information may be found in the record of the 1983-84 litigation, such information is as accessible to LILCO as it is to the County. The County, however, is currently in the process of searching for any additional documents that would be responsive to this Interrogatory, and will promptly inform LILCO if any such documents are identified or if the County otherwise becomes aware of any information responsive to this Interrogatory.

LILCO Interrogatory No. 25

25. Of the school bus drivers who serve 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, how many have other

members of their families living in the Shoreham ten-mile EPZ?

Answer. With the possible exception of testimony during the emergency planning proceedings of 1983-84, Suffolk County states that, at the present time, and to the best of its knowledge, the information requested by this Interrogatory is not within the possession, custody or control of the County. To the extent such information may be found in the record of the 1983-84 litigation, such information is as accessible to LILCO as it is to the County.

LILCO Interrogatory No. 26

26. When 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, are trained for their jobs, what are they told about
- 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 or bus company when they will not perform their jobs?

Answer. The information requested by this Interrogatory is not within the possession, custody or control of Suffolk County. On information and belief, such information may be in the possession, custody or control of the school districts which govern the

schools at issue. The school districts are separate and distinct political entities from the County, however.

LILCO Interrogatory No. 27

27. When bus drivers are trained to drive buses for radiological emergency plans for nuclear plants in New York State other than Shoreham, what are they told about caring for their families in emergencies?

Answer. Without conceding the relevance of the information sought, Suffolk County states that the requested information is not within the possession, custody or control of the County. To the extent such information is in the emergency plans for plants in New York State other than Shoreham, such information is as accessible to LILCO as it is to the County.

LILCO Interrogatory No. 28

28. Please list all New York State and Suffolk County agencies, personnel, and Contractors who were asked to provide the information to respond to this Second Set of Interrogatories and Requests.

Answer. Suffolk County objects to this Interrogatory to the extent it purports to seek information from the County regarding the involvement of New York State agencies, personnel, and Contractors in responding to LILCO's Second Discovery Request. Such information is not within the possession, custody or control of the County. Moreover, Suffolk County objects to this Interrogatory to the extent it includes counsel for the County within its scope. Notwithstanding and without waiving these ob-



jections, the Suffolk County personnel who were asked to provide responses were the persons identified in Attachment 1 to these Answers.

Document Requests

LILCO Interrogatory No. 29

29. Please provide an up-to-date copy of all early dismissal and/or 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.

Answer. As LILCO is well aware, the prefiled testimony on schools issues submitted by LILCO during the 1983-84 emergency planning proceedings included copies of "go home" and emergency closing plans for the following school districts and schools: Boces I; Boces II; Shoreham-Wading River School District; Middle Island; Little Flower Union Free School District; Miller Place Union Free School District; Port Jefferson; Comsewogue School District; Middle Country; South Manor; Riverhead Central School District; William Floyd; St. David's School; and St. John's Pre-School. With the exception of this information, which is available in the record of the 1983-84 emergency planning proceedings, and is therefore as accessible to LILCO as it is to the County, the County states that, at the present time, and to the best of its knowledge, the County does not have within its possession, custody or control any early dismissal and/or emergency plans that might exist for any of the schools identified in Attachment

1 to "LILCO's Motion for Summary Disposition of Contention 25.C ('Role Conflict' of School Bus Drivers)," dated October 22, 1987. However, the County is currently in the process of searching for any documents that would be responsive to this Interrogatory, and will promptly inform LILCO if any such documents are identified. On information and belief, the requested documents, if they exist, would presumably be in the possession, custody or control of the school districts which govern the schools at issue. The school districts are separate and distinct political entities from the County, however.

LILCO Interrogatory No. 30

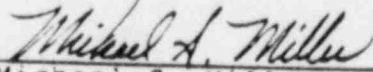
30. Please provide a copy of all documents used in preparing the answers to Requests 23-28 above.

Answer. Suffolk County objects to this Interrogatory because it is overly broad, redundant, and unduly burdensome. Where LILCO has requested specific documents or categories of documents, the County has responded appropriately. Notwithstanding this objection, Suffolk County will provide LILCO with any documents that are responsive to this Interrogatory and not privileged during the time period specified by the NRC Rules of Practice.

Objections Stated by Counsel

All objections and assertions of privilege, or reference thereto, were stated by counsel.

Respectfully submitted,

  
\_\_\_\_\_  
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J. Lynn Taylor

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January 27, 1988

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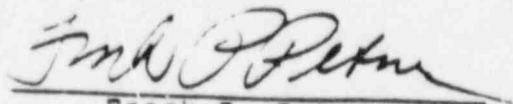
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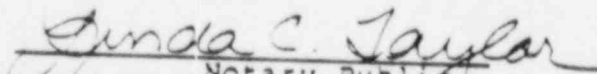
VERIFICATION

Frank P. Petrone, being duly sworn, deposes and says: that he is currently the Special Assistant to the Suffolk County Executive; that he has been involved in matters related to the Shoreham Nuclear Power Plant since January 1987; that he has read the County's Answers to LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers and knows the contents thereof; that the facts stated in the County's Answers are based on his personal knowledge or on reasonable inquiry of appropriate County personnel, as well as on additional information provided by counsel; and that he believes the matters stated therein to be true to the best of his knowledge and belief, and therefore verifies the foregoing on behalf of Suffolk County.

  
Frank P. Petrone

State of New York ) SS:

I, LINDA C. TAYLOR, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Frank P. Petrone, whose name is signed to the foregoing Answers to Interrogatories, dated January 27, 1988, has personally sworn before me that the statements therein are true to the best of his knowledge and belief.

  
LINDA C. TAYLOR Notary Public

NOTARY PUBLIC, State of New York  
No. 52-4615100-Suffolk County  
Commission Expires July 31, 1989

My Commission expires: \_\_\_\_\_

February 10, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

Docket No. 50-322-OL-3  
(Emergency Planning)

SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS REGARDING ROLE CONFLICT OF SCHOOL BUS  
DRIVERS TO SUFFOLK COUNTY AND NEW YORK STATE

On January 27, 1988, LILCO filed its "Third Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State" ("Third Request"). Pursuant to 10 CFR § 2.740b, Suffolk County (the "County") hereby responds to LILCO's Third Request.

I. GENERAL RESPONSE

A. All documents identified in these Answers will be provided within the time allotted by the NRC's Rules of Practice, to the extent the County does not object to their production.

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B. The County hereby objects to LILCO's interrogatories and document requests to the extent they seek information or documents outside of the possession, custody or control of the County.

C. The County objects to all interrogatories, document requests, definitions and instructions insofar as they require the disclosure of any information protected by the attorney-client privilege or work product doctrine.

## II. ANSWERS TO INTERROGATORIES AND DOCUMENT REQUESTS

### LILCO Interrogatory No. 31

31. In the January 19, 1988 Response of the State of New York to LILCO's First Set of Interrogatories you list (pp. 4-6) in response to Request No. 8 certain information "provided by the schools to the New York State Education Department" concerning "student enrollment for schools within the 10-mile EPZ." Please provide the date of this information and list those persons who provided this information to the Education Department. Identify and provide any and all documents from which this information was obtained.

Answer. Suffolk County has no information in its possession, custody or control that is responsive to this Interrogatory. In any event, the Interrogatory is directed to New York State, not Suffolk County.

### LILCO Interrogatory No. 32

32. In the State of New York's January 19, 1988 Response, you list (pp. 6-8) in response to Request No. 9 certain information "provided by school districts to the New York State Education Department" concerning "the bus

companies that contract with each school district identified in LILCO's Motion at Attachment 1." Please provide the date of this information and list those persons who provided this information to the Education Department. Identify and provide any and all documents from which this information was obtained.

Answer. See Answer to Interrogatory No. 31 above.

LILCO Interrogatory No. 33

33. In the State of New York's January 19, 1988 Response, you list (pp. 8-9) in response to Request No. 10 certain information "provided by the school districts" concerning "the number of school bus drivers and mechanics on the payroll of each pertinent school district." Please provide the date of this information and list those persons who provided this information. Identify and provide any and all documents from which this information was obtained.

Answer. See Answer to Interrogatory No. 31 above.

LILCO Interrogatory No. 34

34. Please provide, as agreed in your conversation with LILCO counsel on January 25, 1988, current copies of the radiological emergency preparedness plans for the counties of Orange, Putnam, and Rockland. Please provide as well current copies of the radiological emergency preparedness plans for the counties of Dutchess, Jefferson, and Onondaga.

Answer. See Answer to Interrogatory No. 31 above.

LILCO Interrogatory No. 35

35. To the extent not provided by your answers to Requests 23 and 24 in LILCO's Second Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers to Suffolk County and New York State, dated January 13, 1988, please provide one example known to Intervenors (as defined in Definition F of the "Definitions" cited above) of a bus driver who, in an emergency, attended to the safety of

his own family before reporting to perform his bus driving duties. For this example please identify the emergency, the date, the organization for which the bus driver worked at the time, the duties the bus driver was expected to perform in connection with the emergency, the length of time before the bus driver reported to perform these duties, and the family members whose safety the driver attended to. Identify also the source (person or document or both) of this example.

Answer. At this time, other than as previously provided in response to Interrogatory Nos. 23 and 24 (dated January 27, 1988), Suffolk County is not aware of any information within its possession, custody or control which is responsive to this Interrogatory. The County, however, will continue to search for any additional documents that would be responsive to this Interrogatory, and will promptly inform LILCO if any such documents are identified or if the County otherwise ~~becomes~~ aware of any information responsive to this Interrogatory.

LILCO Interrogatory No. 36

36. Give a second example of a bus driver who, in an emergency, attended to the safety of his own family before reporting to perform his bus driving duties and identify the example and source as requested in Request No. 35 above.

Answer. See Answer to Interrogatory No. 35 above.

LILCO Interrogatory No. 37

37. Give a third example of a bus driver who, in an emergency, attended to the safety of his own family before reporting to perform his bus driving duties and identify the example and source as requested in Request No. 35 above.

Answer. See Answer to Interrogatory No. 35 above.

LILCO Interrogatory No. 38

38. In your response to LILCO Interrogatory No. 1, Suffolk County's Answers to LILCO's First Set of Interrogatories and Document Requests Regarding Role Conflict of School Bus Drivers (Jan. 19, 1988), at 3, you refer to Professor Cole's "contacts with other experts on the subject." Please identify all such contacts.

Answer. At this time, any contacts between Professor Cole and other experts regarding the nature or causes of role conflict in general, and, more particularly, Suffolk County's contention that role conflict will substantially reduce the number of available bus drivers in the event of a Shoreham emergency, have been made at the request of counsel. Accordingly, Suffolk County objects to this Interrogatory on the ground that it seeks information privileged at this time from discovery by the work product doctrine.

LILCO Interrogatory No. 39

39. In the same response cited in No. 38 above you refer to the "causes of role conflict and the factors existing on Long Island which could lead to role conflict." Identify all such "causes" and "factors."

Answer. Suffolk County objects to this Interrogatory for the same reasons it objected to Interrogatory No. 38, i.e., it seeks information protected from discovery by the work product doctrine. Notwithstanding this objection, and without waiving any privilege that may apply, the County states that, at this



time and to the best of its knowledge, the "causes and factors" existing on Long Island which could lead to role conflict include those revealed in the testimony filed on behalf of the County during the emergency plan proceedings of 1983-84, as supported by surveys of Suffolk County bus drivers and firemen conducted by Professor Cole in 1982. Such information may be found in the record of the 1983-84 proceeding, and is as accessible to LILCO as it is to the County.

Further research, analysis and investigation by Professor Cole may lead to further bases for the "causes" of role conflict and the "factors" existing on Long Island which could lead to role conflict.

LILCO Interrogatory No. 40

40. In your response to LILCO Interrogatory 21 (dated January 19, 1988) you say that "[f]urther research, analysis and discovery may reveal additional State and/or local laws, regulations and ordinances that would be violated by LILCO's proposal." Have you identified any such laws, regulations, or ordinances? If so, what are they?

Answer. Yes. See Suffolk County's Supplemental Response to LILCO's First Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers, dated January 27, 1988. Further research, analysis or discovery may reveal yet additional State and/or local laws, regulations and ordinances that would be violated by LILCO's proposal.

LILCO Interrogatory No. 41

41. Are you aware of any contacts or communications in which any person or group has attempted to persuade schools or school districts (or representatives or employees of schools or school districts) not to participate in LILCO's auxiliary school bus driver arrangement or otherwise not to cooperate with LILCO with regard to the evacuation of schools during a Shoreham emergency? If so, please identify such contacts and communications. To the extent that such information is available to you or can be obtained, please include, for each contact and communication, the school or school district contacted and the person talked with, the date of each contact, and the substance of each conversation. Please produce any documents related to such contacts.

Answer. The County is aware that since LILCO's Plan was first made public in 1983 and continuing to date, members of the public as well as school officials and employees have made known to school boards and other school officials their views concerning LILCO's proposals for dealing with a Shoreham emergency, and how schools should respond to them, as evidenced by resolutions and other documents in the public domain which have over the years, been adopted or prepared by schools, school districts, or school employees. On information and belief, the specific information concerning particular contacts or communications requested by this Interrogatory is as accessible to LILCO as it is to Suffolk County.

LILCO Interrogatory No. 42

42. Are you aware of any contacts or communications in which any person or group has attempted to persuade any bus companies under contract to schools and school districts not to participate in LILCO's auxiliary school bus driver arrangement or otherwise not to cooperate with LILCO with regard to the evacuation of

schools during a Shoreham emergency? If so, please identify those contacts as requested in Request No. 41 above.

Answer. Suffolk County states that, at the present time and to the best of its knowledge, it is not aware of any information responsive to this Interrogatory.

LILCO Interrogatory No. 43

43. Are you aware of any contacts or communications in which any person or group has attempted to persuade any bus company on Long Island, to the extent not identified in Request No. 42, not to participate in LILCO's auxiliary school bus driver arrangement or otherwise not to cooperate with LILCO with regard to the evacuation of schools during a Shoreham emergency? If so, please identify those contacts as requested in Request No. 41 above.

Answer. Suffolk County states that, at the present time and to the best of its knowledge, it is not aware of any information responsive to this Interrogatory.

LILCO Interrogatory No. 44

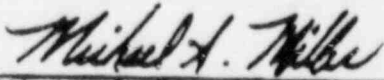
44. Are you aware of any contacts or communications in which any person or group has attempted to persuade any school bus drivers on the payroll of or under contract with schools or school districts not to participate in LILCO's auxiliary school bus driver arrangement or otherwise not to cooperate with LILCO with regard to the evacuation of schools during a Shoreham emergency? If so, please identify those contacts as requested in Request No. 41 above.

Answer. The bus driver statements provided to LILCO by Suffolk County under cover letter dated February 4, 1988 presumably resulted from "contacts" of some sort, but the County

has no knowledge that such contacts included any attempts to persuade any school bus drivers on the payroll of or under contract with schools or school districts not to participate in LILCO's auxiliary school bus driver arrangement or otherwise not to cooperate with LILCO with regard to the evacuation of schools during a Shoreham emergency.

OBJECTIONS STATED BY COUNSEL

All objections and assertions of privilege, or reference thereto, were stated by counsel.

  
\_\_\_\_\_  
Michael S. Miller  
J. Lynn Taylor

Kirkpatrick & Lockhart  
1800 "M" Street, N.W.  
South Lobby - Ninth Floor  
Washington, D.C. 20036-5891

Attorneys for Suffolk County

February 10, 1988

February 10, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

Docket No. 50-322-OL-3  
(Emergency Planning)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S ANSWERS TO LILCO'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS REGARDING ROLE CONFLICT OF SCHOOL BUS DRIVERS TO SUFFOLK COUNTY AND NEW YORK STATE have been served on the following this 10th day of February, 1988 by U.S. mail, first class, except as otherwise noted:

James P. Gleason, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Frederick J. Shon  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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513 Gilmoure Drive  
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U.S. Nuclear Regulatory Commission  
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Albany, New York 12224

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Shoreham Nuclear Power Station  
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Shoreham Opponents Coalition  
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General Counsel  
Long Island Lighting Company  
175 East Old Country Road  
Hicksville, New York 11801

Ms. Elisabeth Taibbi, Clerk  
Suffolk County Legislature  
Suffolk County Legislature  
Office Building  
Veterans Memorial Highway  
Hauppauge, New York 11788

Stephen B. Latham, Esq.  
Twomey, Latham & Shea  
33 West Second Street  
Riverhead, New York 11901

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Comm.  
1717 H Street, N.W.  
Washington, D.C. 20555

Hon. Patrick G. Halpin  
Suffolk County Executive  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, New York 11788

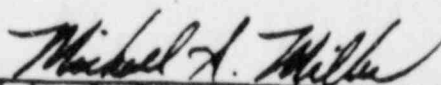
Dr. Monroe Schneider  
North Shore Committee  
P.O. Box 231  
Wading River, New York 11792

George E. Johnson, Esq.  
Edwin J. Reis, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

Mr. Stuart Diamond  
Business/Financial  
NEW YORK TIMES  
229 W. 43rd Street  
New York, New York 10036



Douglas J. Hynes, Councilman  
Town Board of Oyster Bay  
Town Hall  
Oyster Bay, New York 11771

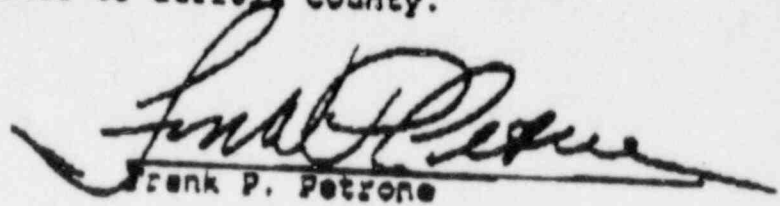
  
Michael S. Miller  
KIRKPATRICK & LOCKHART  
1800 M Street, N.W.  
South Lobby - 9th Floor  
Washington, D.C. 20036-5891

---

\* By Mail on February 10, 1988  
and by Telecopy on February 11, 1988


VERIFICATION

Frank P. Petrone, being duly sworn, deposes and says: that he is currently the Special Assistant to the Suffolk County Executive; that he has been involved in matters related to the Shoreham Nuclear Power Plant since January 1987; that he has read the County's Answers to LILCO's Third Set of Interrogatories and Document Requests for Production of Documents Regarding Role Conflict of School Bus Drivers and knows the contents thereof; that the facts stated in the County's Answers are based on his personal knowledge or on reasonable inquiry of appropriate County personnel, as well as on additional information provided by counsel; and that he believes the matters stated therein to be true to the best of his knowledge and belief, and therefore verifies the foregoing on behalf of Suffolk County.

  
Frank P. Petrone

State of New York ) SS:

I, Linda C. Taylor, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Frank P. Petrone, whose name is signed to the foregoing Answers to Interrogatories, dated February 10, 1988, has personally sworn before me that the statements therein are true to the best of his knowledge and belief.

  
Notary Public

LINDA C. TAYLOR  
NOTARY PUBLIC, State of New York  
No. 25-00110-0000 County of Suffolk  
Commission Expires July 31, 1997

LILCO, February 17, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

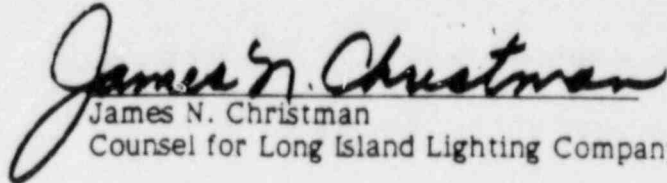
In the Matter of	)	
	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322-OL-3
	)	(Emergency Planning)
(Shoreham Nuclear Power Station, Unit 1)	)	(School Bus Driver Issue)
	)	

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of Robert **Petrilak** on the subject of "whether, in the 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 (Ruling on Applicant's Motion of October 22, 1987 for Summary Disposition of Contention 25.C Role Conflict of School Bus Drivers), at 5 (Dec. 30, 1987). The deposition will be taken before a notary public and court reporter on Thursday, February 18, 1988 at 4:00 p.m. and thereafter until the taking of the deposition may be completed, at the Suffolk County Attorney's Office, Building 158 North County Complex, Veterans Memorial Highway, Hauppauge, New York 11788.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or control or in the possession, custody or control of representatives, employees, attorneys, assigns, or anyone acting on his behalf, which are relevant to the issue stated above.

Respectfully submitted,

  
James N. Christman  
Counsel for Long Island Lighting Company

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

DATED: February 17, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

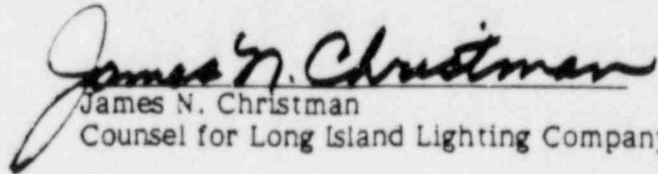
In the Matter of )  
 )  
LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322-OL-3  
 ) (Emergency Planning)  
(Shoreham Nuclear Power Station, ) (School Bus Driver Issue)  
Unit 1) )

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of Edward **Dougherty** on the subject of "whether, in the 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 (Ruling on Applicant's Motion of October 22, 1987 for Summary Disposition of Contention 25.C Role Conflict of School Bus Drivers), at 5 (Dec. 30, 1987). The deposition will be taken before a notary public and court reporter on Thursday, February 18, 1988 at 12:30 p.m. and thereafter until the taking of the deposition may be completed, at the Suffolk County Attorney's Office, Building 158 North County Complex, Veterans Memorial Highway, Hauppauge, New York 11788.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or control or in the possession, custody or control of representatives, employees, attorneys, assigns, or anyone acting on his behalf, which are relevant to the issue stated above.

Respectfully submitted,

  
James N. Christman  
Counsel for Long Island Lighting Company

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

DATED: February 17, 1988



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 NOTICE OF DEPOSITION for Edward Dougherty 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.

James P. Gleason, Chairman  
Atomic Safety and Licensing Board  
513 Gilmoure Drive  
Silver Spring, Maryland 20901

Karla J. Letsche, Esq. \*  
Kirkpatrick & Lockhart  
South Lobby - 9th Floor  
1800 M Street, N.W.  
Washington, D.C. 20036-5891

George E. Johnson, Esq. \*  
Richard G. Bachmann, Esq.  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

Stephen B. Latham, Esq. \*\*  
Twomey, Latham & Shea  
33 West Second Street  
P.O. Box 298  
Riverhead, New York 11901

Fabian G. Palomino, Esq. \*  
Richard J. Zahnleuter, Esq.  
Special Counsel to the Governor  
Executive Chamber  
Room 229  
State Capitol  
Albany, New York 12224

Spence W. Perry, Esq. \*  
William R. Cumming, Esq.  
Federal Emergency Management  
Agency  
500 C Street, S.W., Room 840  
Washington, D.C. 20472

  
James N. Christman

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

DATED: February 17, 1988

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the Long Island Lighting Company, by counsel, pursuant to 10 C.F.R. § 2.740a of the Nuclear Regulatory Commission's Rules of Practice, will take the deposition upon oral examination of Anthony ~~Rozzi~~ on the subject of "whether, in the 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 (Ruling on Applicant's Motion of October 22, 1987 for Summary Disposition of Contention 25.C Role Conflict of School Bus Drivers), at 5 (Dec. 30, 1987). The deposition will be taken before a notary public and court reporter on Thursday, February 18, 1988 at 9:00 a.m. and thereafter until the taking of the deposition may be completed, at the Suffolk County Attorney's Office, Building 138 North County Complex, Veterans Memorial Highway, Hauppauge, New York 11788.

The deponent is directed to produce at the deposition, for inspection and copying, any and all documents, including without limitation notes, records, reports, memoranda, correspondence, studies, analyses, papers, writings, photographs, recordings, and other materials of any kind or nature whatsoever, in his possession, custody or control or in the possession, custody or control of representatives, employees, attorneys, assigns, or anyone acting on his behalf, which are relevant to the issue stated above.

Respectfully submitted,

  
James N. Christman  
Counsel for Long Island Lighting Company

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

DATED: February 17, 1988

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 NOTICE OF DEPOSITION for Anthony Rossi 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.

James P. Gleason, Chairman  
Atomic Safety and Licensing Board  
513 Gilmoure Drive  
Silver Spring, Maryland 20901

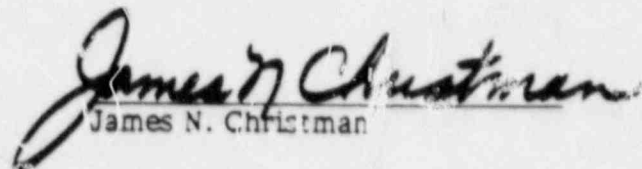
Karla J. Letsche, Esq. \*  
Kirkpatrick & Lockhart  
South Lobby - 9th Floor  
1800 M Street, N.W.  
Washington, D.C. 20030-5891

George E. Johnson, Esq. \*  
Richard G. Bachmann, Esq.  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

Stephen B. Latham, Esq. \*\*  
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P.O. Box 298  
Riverhead, New York 11901

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Richard J. Zainlou, Esq.  
Special Counsel to the Governor  
Executive Chamber  
Room 229  
State Capitol  
Albany, New York 12224

Spence W. Perry, Esq. \*  
William R. Cumming, Esq.  
Federal Emergency Management  
Agency  
300 C Street, S.W., Room 846  
Washington, D.C. 20472

  
James N. Christman

Burton & Williams  
707 East Main Street  
P.O. Box 1525  
Richmond, Virginia 23212

DATED: February 17, 1988

# TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

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

DEPOSITION OF BRUCE G. BRODSKY

Hauppauge, New York

Wednesday, February 24, 1988

ACE-FEDERAL REPORTERS, INC.

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444 North Capitol Street  
Washington, D.C. 20001  
(202) 347-3700  
Nationwide Coverage  
800-336-6646

2 GW/sw 1

Q And where did you see the plans?

2

A My attorneys have made it available to me.

3

Q And it is your understanding according to the

4

plans that you have seen of the LILCO -- parts of the LILCO

5

plan, that those plans provide that buses on contract to

6

school districts outside the Emergency Planning Zone will be

7

used to evacuate schools inside the Emergency Planning Zone?

8

A I think that is part of the proposal.

9

Q What is your understanding of why you have been

10

asked to be a witness in this proceeding?

11

MR. LANPHER: I object to the question. It is

12

irrelevant why he has been asked. You might ask him what

13

his testimony is going to be. That is a proper question.

14

BY MS. LEUGERS: (Continuing)

15

Q You can go ahead and answer.

16

A As to what my testimony will be?

17

Q No. My question is: What is your understanding

18

of why you were asked to be a witness in this proceeding?

19

MR. LANPHER: Calls for speculation.

20

MS. LEUGERS: I have asked for his

21

understanding. I am not asking him to speculate. I am

22

asking for what your understanding is.



2 GW/sw 1 THE WITNESS: My understanding is to bring my  
2 expertise as a long term board member as to the feasibility  
3 of evacuating students from a school district in an  
4 emergency situation.

5 BY MS. LEUGERS: (Continuing)

6 Q What is your opinion about the feasibility of  
7 evacuating schools during a Shoreham emergency?

8 A I don't believe that it is feasible.

9 Q Why?

10 A I can speak in terms of the Middle Country School  
11 District in specific, and speak in general of school  
12 districts, so I will mention both.

13 Three or four years ago, possibly five, when the  
14 issue originally came up in Middle Country, after extensive  
15 discussion and the development of surveys of our school  
16 district employees, both teachers and bus drivers, as to how  
17 they would react in case of an emergency, we discovered that  
18 a large percentage of our people would react in terms of  
19 taking care of their own families first rather than doing  
20 the jobs that they are prescribed to do. That is  
21 specifically in Middle Country.

22 In general, speaking to other school board

1 3JW/sw 1

witness for this proceeding?

2

A Two or three weeks ago.

3

Q Was it the beginning of February?

4

A Yes, I would say so.

5

Q Were you contacted by phone or in person?

6

A Telephone.

7

Q Who contacted you at that time?

8

A Ms. Letsche.

9

Q And, when was the next time you talked to someone

10

about being a witness?

11

A Today.

12

Q When Ms. Letsche contacted you by phone two weeks

13

ago, you haven't met with anyone else since then about being

14

a witness?

15

A That's correct.

16

Q You mentioned some documents you were provided by

17

counsel in preparation of your deposition. Could you tell

18

me what documents you have reviewed in preparing for this

19

deposition?

20

A The documents were the two items -- I believe the

21

two items -- I'm sorry. Yes, the two items that you have

22

already given me, Exhibits 1 and 2, and the extraction of

1    JJW/sw    1    the -- I don't want to use the wrong terminology -- can we  
2                    conference on that?

3                    MR. LANPHER: Are you trying to say some other  
4                    portions of the plan?

5                    THE WITNESS: Yeah.

6                    MR. LANPHER: I will represent for the record  
7                    that we provided extracts from the LILCO plan. He can  
8                    answer what he reviewed.

9                    THE WITNESS: Right, as well as several  
10                    Resolutions that were adopted by various school districts.

11                    BY MS. LEUGERS: (Continuing)

12                    Q        What were the school districts that the  
13                    Resolutions were adopted by?

14                    A        To the best of my recollection, they were, of  
15                    course, the Middle Country School District Resolution,  
16                    Longwood, Mt. Sinai, Miller Place, Shoreham-Wading River.  
17                    There might have been more; I don't recall.

18                    Q        And, what were those Resolutions about?

19                    A        They were Resolutions in general -- in general,  
20                    Resolutions passed by Boards of Education expressing their  
21                    concern with the feasibility of evacuating this section of  
22                    Long Island in case of a nuclear emergency.

# TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

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

Hauppauge, New York

Thursday, February 18, 1988

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1 GJW/sw 1

Q Fourteen out of those 45?

2

A Yes.

3

Q In total, how many drivers does Riverhead School

4

District employ use?

5

A Fift .x.

6

Q You have 45 buses and 56 drivers. Why do you

7

have more drivers than buses?

8

A Well, we need substitutes.

9

Q So, within that 56 are considered substitutes?

10

A All right. There are two or three other runs

11

here. You asked for in-District runs. I gave you the

12

in-District runs there. It would still be included in that

13

total.

14

Q Okay. Do you know what the issue is in this

15

school bus driver proceeding?

16

A I'm aware of some of it.

17

Q Could you please state your understanding of what

18

those issues are?

19

A There is an evacuation plan which is the only

20

thing that I'm -- in my realm of responsibility that I'm

21

involved with or would be involved with. There are

22

concerns, as far as evacuating the buildings, where they

1 GJW/sw 1 would be evacuated to, how they would be evacuated. Very  
2 much a part of that are my responsibilities, whether it be  
3 this type of a concern or whether it be weather or anything  
4 else, would be my responsibility as a District employee not  
5 only to the student but to the parents of those students and  
6 the wishes of those parents in times of any kind of stress  
7 or anything like that.

8 So, those would be the areas of my concern, how  
9 well I could formulate a plan to carry it out. Those  
10 concerns are mine, okay.

11 Q Do you know what the term "role conflict" or  
12 "role abandonment" means?

13 A Well, I -- yes, I think I can understand as well  
14 as anybody.

15 MR. LANPHER: Just answer the question. The  
16 answer is yes?

17 THE WITNESS: Yes.

18 MR. LANPHER: Off the record, please.

19 (Off the record.)

20 BY MR. HARLOW: (Continuing)

21 Q Is this your first deposition, Mr. Doherty?

22 A Well, of this nature, yes.



1 GJW/sw

1 extent you are capable, you can answer it.

2 THE WITNESS: Okay. Being --

3 MR. HARLOW: Pardon me. May I clarify?

4 BY MR. HARLOW: (Continuing)

5 Q Answer the question, do you think they would  
6 drive in those circumstances?

7 MR. LANPHER: Same objection.

8 THE WITNESS: I'm going --

9 MR. LANPHER: Wait. I need a clarification,  
10 because your original question I believe was whether all the  
11 drivers would agree to drive.

12 MR. HARLOW: No.

13 BY MR. HARLOW: (Continuing)

14 Q I believe my original question was, and now is,  
15 do you believe that any of your drivers would refuse to  
16 drive in the event of a Shoreham emergency that required an  
17 evacuation of schools in your school district?

18 A Some drivers might, yes. And, there would be  
19 some reasons for them to do so.

20 Q You say some might. How many might?

21 A Well --

22 MR. LANPHER: Objection. That calls for

1 GJW/sw 1 speculation.

2 THE WITNESS: I really have no idea, you know,  
3 how many would be so involved.

4 BY MR. HARLOW: (Continuing)

5 Q You said that there may be -- that there would be  
6 reasons that some may not drive. Could you tell me what you  
7 believe those reasons are?

8 A Well, if I can -- I don't know if I'm going to be  
9 answering the question. The setup as far as my drivers are  
10 concerned, my drivers are not paid from 6:30 in the morning  
11 until 5:30 in the afternoon. They are paid for, you might  
12 say, piecework, 6:30 to 9:30, 6:30 to 9, 10:30 to 1. So,  
13 what might be referred to in some areas as reports.

14 They get paid for certain hours that are included  
15 in those reports. So, there might be drivers there that do  
16 not -- only work the morning report and afternoon report.  
17 They don't work a midday report. They don't work a night  
18 report.

19 Those drivers might take other types of  
20 employment to augment what they are getting from us. There  
21 might be some people there that have some personal concerns,  
22 you know, in this type of an emergency you are speaking,

GJW/sw

1 Q Returning to the situation --

2 A Familiarity --

3 Q Go ahead.

4 A -- with the area, very essential, very  
5 essential. You know, to have somebody reading a piece of  
6 paper and driving down the road, you know, it's a question  
7 of safety there. It's a big question of safety and security  
8 also with using a strange driver.

9 Q You have been describing situations and  
10 circumstances from the past in which you had a shortage of  
11 drivers. Can you give me more details about those  
12 circumstances?

13 For instance, what -- why were you short of  
14 drivers in those circumstances?

15 MR. LANPHER: May I ask for a clarification. Do  
16 you just want an example?

17 BY MR. HARLOW: (Continuing)

18 Q Let's start with the most recent example you can  
19 remember.

20 A The most recent example would have been a week  
21 ago, Monday. Yeah, a week ago this past Monday. It's what  
22 I just described to you now. I needed six drivers and only

GJW/sw 1 had five. And, I'm using myself, my staff. I had three  
2 ladies in the office assisting, a mechanics helper, a  
3 mechanic. And, I didn't want to go any deeper into the shop  
4 because it was not the best of days, and I called up a  
5 parent. We had a one-on-one situation. I called the parent  
6 and said: We are not taking your kid to school until 9  
7 o'clock. I explained to her why. She wasn't happy about  
8 it, but it wasn't much else we could do. But the kid got to  
9 school.

10 Going back, I don't know. It was a snowstorm,  
11 not this year, where we had an early dismissal and tried to  
12 round up drivers and a couple of my drivers just, for some  
13 reason or another, we weren't able to get to them or they  
14 couldn't get there. I don't really know what the  
15 circumstances were.

16 But, the buses were sitting in the yard with no  
17 drivers. And, my only recourse was to call the school  
18 involved, explain the situation briefly, and the first  
19 opportunity I got we would cover that.

20 And, here again I have to resort to double,  
21 tripling and myself getting involved in the actual  
22 transporting myself.

# TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

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

East Meadow, New York

Tuesday, February 16, 1988

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DAV/bc

1 whenever you need them.

2 Is that correct?

3 A That's correct. Our buses have radios, so if  
4 they're on the road, they can be contacted.

5 Q But you're not sure how they would contact them  
6 if they're middle of the morning, they finish their bus  
7 routes and maybe they're out taking care of other business?

8 A That's correct.

9 (Pause.)

10 Q You also in this document that I handed you  
11 earlier, which was the second supplement to Suffolk County's  
12 answers to Lilco's first set of interrogatories on the same  
13 page that we were talking about, page 3, your testimony will  
14 be based upon your experience and knowledge gained through  
15 your position with the Nassau-Suffolk School Board  
16 Association.

17 What is it about your experience and knowledge on  
18 the Nassau-Suffolk School Board Association that would  
19 support your testimony?

20 A It would be my experience as a participant in the  
21 deliberations of that organization on school issues on how  
22 they would deal with these kinds of questions and what the



DAV/bc

1 positions -- remember, we had discussed way back when, when  
2 the NRC was up during the earlier time, the whole issue of  
3 congregant care centers, et cetera.

4 So I had an opportunity to be involved in  
5 discussions with that group as well as the superintendent's  
6 group on those issues.

7 Q So your experience and knowledge here concerning  
8 the position with the Nassau-Suffolk County School Board  
9 Association and the Council, the Nassau County Council of  
10 Superintendants, would support your opinions that you have  
11 been giving so far?

12 A Yes.

13 Q And it's your opinion that the positions you have  
14 been discussing so far would be the opinions of Nassau-  
15 Suffolk County School Board Association and the Council of  
16 Superintendants.

17 Is that correct?

18 A I can't speak for them, but that is my opinion.

19 Q But you would assume that that's probably the  
20 position they would take?

21 A Yes.

22 Q And that's based upon what you know of what

DAV/bc

1 position they had taken several years ago?

2 A Yes.

3 Q But it's not based upon any other discussions  
4 because you haven't had any other discussions. Is that  
5 correct?

6 A Yes.

7 Q Has the East Meadow School District taken any  
8 position about school evacuations for a Shoreham emergency?

9 A I don't understand what you mean by taken any  
10 position.

11 Q Whether they favor or oppose the school  
12 evacuation plans for a Shoreham emergency as put forth by  
13 Lilco?

14 A We opposed it officially to the Red Cross in  
15 terms of the use of East Meadows facilities, as the Red  
16 Cross had envisioned it back when. Regarding the thing  
17 we're talking about now, the school district has not taken  
18 any official position.

19 Q On page 2 of the document I have given you, on  
20 the bottom, it talks about your testimony will be based upon  
21 your experience as superintendant, and then it says, instead  
22 of their, your knowledge of the positions taken by those

DAV/bc

1 districts with respect to Lilco's proposal, those districts.

2 Are you talking about your district, or are you  
3 talking about Longwood and Riverhead, which I believe is Dr.  
4 Muto's and Saprina's.

5 MR. LANPHER: I object to the question. These  
6 were words which were crafted by my partner, not by Dr.  
7 Koenig. We're reading from a pleading of counsel.

8 So, to the extent the question implied that these  
9 were Dr. Koenig's words, that's not accurate.

10 If you want him to comment on those words, that's  
11 fine.

12 BY MS. LEUGERS:

13 Q I understand that you didn't write these. But  
14 what I'm trying to understand, this does say what your  
15 testimony is going to be. And it says:

16 One of the phases is the knowledge and  
17 understanding of the positions taken by those districts.

18 I was wondering if you understand what it means  
19 to say "those districts."

20 A My understanding of English syntax and writing  
21 says to me that it says "their districts, their knowledge of  
22 those districts".

DAV/bc

1                   It says to me that Dr. Muto will be discussing  
2 Longwood, Dr. Koenig will be discussing East Meadow and Dr.  
3 Saprina will be discussing Riverhead.

4                   That's what this means to me.

5           Q        Are you aware of what positions the Longwood  
6 school district has taken?

7           A        No.

8           Q        Are you aware of the position that the Riverhead  
9 school district has taken?

10          A        No.

11          Q        So, at this point, you have no knowledge and  
12 understanding of the position taken by Longwood or Riverhead  
13 school district. Right?

14          A        That's correct.

15          Q        And as far as you know, East Meadow school  
16 district has not taken any position.

17                   Is that correct?

18          A        That's correct.

19          Q        Dr. Koenig, do you approve each and every school  
20 bus driver who drives a bus for one of your schools?

21          A        Yes.

22          Q        How do you approve of them?

# TRANSCRIPT OF PROCEEDINGS

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

DEPOSITION OF NICK F. MUTO

Hauppauge, New York

Monday, February 29, 1988

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1 3JW/sw 1

A Today.

2

Q Have you reviewed any documents in preparation

3

for --

4

A No, I have not.

5

Q Have you received any documents from counsel?

6

A No, I have not.

7

Q Did you review your prior testimony in this

8

proceeding from '83?

9

A No, I have not.

10

Q Okay. Could you tell me what your understanding

11

of the issue in this proceeding is?

12

A I guess the issues that I perceive that we are

13

here for is the question regarding evacuation. And, LILCO

14

has a proposal to evacuate the children.

15

And, I'm assuming it's the feasibility of that

16

proposal is what we are going to discuss today.

17

Q And, what have you been asked to give an opinion

18

about for this proceeding?

19

A None that I know of. I'm not sure I follow your

20

question.

21

Q What I'm asking is, what are the opinions that

22

you have been asked to give in this proceeding that you are



1 JJW/sw 1 going to be testifying about?

2 A Oh, okay. What I would do in my position as the  
3 Superintendent in case of an emergency.

4 Q And, I guess you mean what you would do in your  
5 position as Superintendent during a Shoreham emergency; is  
6 that correct?

7 A Correct.

8 Q Could you tell me what you would do as the  
9 Superintendent -- in your position as Superintendent during  
10 a Shoreham emergency?

11 MR. MILLER: Excuse me. Ms. Leugers, that's a  
12 rather broad question. Are you asking the witness what he  
13 would do in any respect, or what he would do with respect to  
14 the evacuation of school children?

15 I assume there are some limits on the bounds of  
16 your question, and maybe you should define those limits.

17 MS. LEUGERS: Well, I'm responding to Dr. Muto's  
18 response to me about his opinions. And, he said his  
19 opinions would be on what he would do in his position as  
20 Superintendent of Schools during a Shoreham emergency.

21 And, I'm just trying to follow up with what he  
22 means.

1 3JW/sw 1

BY MS. LEUGERS: (Continuing)

2

Q Maybe you could explain to me better what you mean by that.

3

4

A Okay. It would depend on the circumstances at the time. I would be in the position to make the decision to evacuate or not to evacuate and how extensive. That evacuation would be up to me.

5

6

7

8

Q You mentioned that the issues -- you mentioned in your opinion the issues in this proceeding were the feasibility of LILCO's proposal to evacuate schools.

9

10

11

Do you have an understanding of what LILCO's proposal is?

12

13

A My understanding is that they would supply buses and would take children to a place such as Nassau Coliseum.

14

15

Q Do you have any more details about the proposal than that?

16

17

A Not much more than that.

18

19

Q Could you give me your opinions about the feasibility of that proposal?

20

21

A Well, it appears that it would be an impossible task. And, I would be against authorizing children boarding a bus and going to a destination that the family was not

22

1 3JW/sw

1 aware of and drivers that I was not familiar with.

2

Q Your first comment about the feasibility is that it was an impossible task. Could you tell me why you think it is an impossible task?

5

A I have been a Superintendent or an Associate Superintendent for nearly 20 years. And, every emergency with which I have had to deal is fraught with missing children, hysterical parents, lack of supervision and poor communication. And, that's generally in a confined single school district over which I have control of the transportation system or have access to it.

12

To give up my children to a third party to go to a destination I don't know and their families are not aware of makes it almost impossible to my way of thinking.

13

14

15

Q So, you are basing your opinion that it would be an impossible task on your experience in the previous emergencies that you've had --

16

17

18

A Yes.

19

Q -- at your school?

20

A Yes.

21

Q Could you tell me about those types of

22

emergencies?

1 JJW/sw 1

A Yes. And, most of them are of the opinion that it would be difficult. And, most of them -- by that, I meet with my administrative staff quite often. And, most of them are of the opinion that the bus drivers, adequate bus drivers, to have an organized evacuation would be most difficult.

7

Q And, when did you have this discussion with your staff?

8

A I don't recall. Somewhere along the line when it came up, probably around '83 or during that time.

11

Q Do you intend upon conducting any type of survey with your school bus drivers or your staff about whether they would perform their jobs during a Shoreham emergency?

12

13

14

A I haven't planned on it.

15

Q Okay. Do you know if anyone is planning on doing that for this litigation?

16

17

A I am not familiar with anyone who has.

18

Q In being a witness in this proceeding, are you representing the Suffolk County's position about what is wrong with LILCO's plan? Or, is it the position of your school district?

19

20

21

22

A I'm only here testifying as the Superintendent of

1 3JW/sw 1 Longwood Schools.

2 Q Okay. So, is it correct to say that you are  
3 representing just the opinions of the school district?

4 A Correct.

5 Q Have you ever talked with any of your school bus  
6 drivers about driving during a Shoreham emergency?

7 A Never.

8 Q Okay. Could you tell me what else you plan on  
9 doing to prepare your opinions in this proceeding?

10 A In order --

11 MR. MILLER: Wait. I'm not sure I understand  
12 that question. To prepare his opinions?

13 BY MS. LEUGERS: (Continuing)

14 Q All right. What I'm getting at, I understand you  
15 probably haven't started writing your testimony yet. And,  
16 what I want to know is what you are doing to help formulate  
17 the opinions that you will be expressing in this proceeding?

18 A I've not prepared anything to date, and I'm not  
19 sure what I would be preparing in the future.

20 Q Okay. Do you know what else you would like to do  
21 to prepare for your testimony?

22 A Not really.

# TRANSCRIPT OF PROCEEDINGS

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	:	(Emergency Planning)
(Shoreham Nuclear Power	:	(School Bus Driver Issue)
Station, Unit 1)	:	
	:	
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DEPOSITION OF ROBERT W. PETRILAK

Hauppauge, New York

Thursday, February 18, 1988

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GJW/sw 1 is a video -- audio and video retail establishment, printing  
2 videos, selling records and CDs.

3 We also do a special programming, a computer  
4 program for businesses.

5 Q I have a copy of your resume. It says you are a  
6 member of the Mt. Sinai Board of Education.

7 A That's correct.

8 Q Is it in your capacity as a member of the  
9 Mt. Sinai Board of Education that you are here as a witness?

10 A Yes, it's in that capacity.

11 Q Could you describe for me generally where the  
12 Mt. Sinai School District is located in Suffolk County?

13 A Okay. We are on the north shore of Long Island,  
14 located in the Town of Brookhaven. Okay. We are between  
15 the school districts on the west of Port Jefferson and on  
16 the east of Miller Place.

17 Q Could you tell me how many schools are in the  
18 Mt. Sinai School District?

19 A We have two schools, a junior high school and an  
20 elementary school.

21 Q Do you know how many buses are used to transport  
22 the students at those two schools on a daily basis?

GJW/sw

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22

THE WITNESS: We see the issue as whether or not the LILCO plan, evacuation plan, as it relates to school children can be implemented to protect the safety of the children of the school district. I believe that's the issue.

BY MR. HARLOW: (Continuing)

Q What parts of this issue, as you stated it, will you be testifying about?

A I will be testifying regarding the implementability of the LILCO plan as it relates to the school district and to the evacuation of the children.

Q When you say the implementability of LILCO's school -- auxiliary school bus driver proposal, what do you mean by "implementability?"

A What I mean is whether or not the plan that is proposed by LILCO can actually be put into practice, okay, and function and operate, okay, as the plan describes.

Q Will you be testifying about -- do you know what the term "role conflict" or "role abandonment" means?

A Yes, I do.

Q Could you give me your definition of those terms?

A The term I use would be "role conflict." And,

GJW/sw 1 the LILCO auxiliary school bus driver proposal?

2 A No, I haven't.

3 Q What documents have you reviewed to prepare  
4 yourself for this deposition today?

5 A The -- I don't know if they have names, formal  
6 names. But, there was a packet of documents that -- one was  
7 the actual LERO plan I believe it had on the top there. I  
8 recognized the top of it. And, the listing of the school  
9 districts done by LILCO which showed how many children were  
10 in each school, the number of buses, the additional buses  
11 that would be required; a document from LILCO on the  
12 procedures to be used by LERO drivers; and, I guess it was a  
13 synopsis -- I guess is the best word -- of the most recent  
14 rulings in the most recent case on the adequacy of LILCO's  
15 prior plan.

16 Q You say a synopsis of the most recent case. Do  
17 you happen -- let me start over.

18 Who provided you the documents that you just  
19 referred to?

20 A They were provided by Mr. Lanpher.

21 Q And, the synopsis you mentioned of the most  
22 recent case, would that be the decision handed down recently

GJW/sw 1 by what I will refer to as the Frye Board on the FEMA-graded  
2 exercise?

3 A This was from the FEMA-graded exercise, yes.

4 Q Was this the synopsis prepared by the attorneys?  
5 Or, was it excerpts from the decision?

6 Or, do you know?

7 A I would say it was excerpts from the decision  
8 provided by Larry's office.

9 Q Are you familiar with the LILCO auxiliary school  
10 bus driver proposal?

11 A Yes, I am.

12 Q Could you describe it to us in your own terms of  
13 how you believe that proposal works? Or, just describe what  
14 you believe that proposal is.

15 A I believe the proposal is, as it relates to a  
16 one-wave evacuation of the schools, that LILCO, through its  
17 LERO organization, would provide additional bus drivers to  
18 drive school buses for the school districts in the event  
19 that adequate numbers of drivers did not show up to  
20 transport the children.

21 Q And, how did you come to your understanding of  
22 what the auxiliary proposal -- the auxiliary school bus

23

GJW/sw

1 Dr. Paciolla, for final approval whether or not that person  
2 is hired.

3 The party is certified -- not given another word  
4 to use -- by our school district to drive buses that are  
5 used within our school district.

6 Q Does your school district ever use substitute bus  
7 drivers?

8 A I'm sure there is a roster of substitute bus  
9 drivers which have been approved just as we approve  
10 substitute teachers and, after checking their  
11 qualifications, substitute custodians.

12 Q Do your school bus drivers need special training  
13 to deal with handicapped students?

14 A Those that drive handicapped buses do, yes.

15 Q What --

16 A As far as I know, the regular bus drivers for the  
17 standard buses which do not transport handicapped children  
18 don't.

19 Q Do any of your school bus drivers receive any  
20 training in how to deal with emergencies? Let me clarify.

21 Do your drivers receive training in driving  
22 during emergencies?

GJW/sw

1 MR. LANPHER: I object to the question. I don't  
2 know what you mean by emergencies.

3 I think your question is vague.

4 BY MR. HARLOW: (Continuing)

5 Q Do you understand my question?

6 A I don't fully understand your question. But, I  
7 am not fully aware of the exact training all the drivers go  
8 through, so I wouldn't be able to answer it anyway.

9 Q Do you know of any bus driver in the Mt. Sinai  
10 School District who has failed to drive his or her bus  
11 during an emergency?

12 A No.

13 MR. LANPHER: The same objection. I don't know  
14 what you mean by an emergency.

15 BY MR. HARLOW: (Continuing)

16 Q Are you aware of a bus driver who has refused to  
17 drive in an emergency?

18 A I'm not aware of those types of situations. I'm  
19 on the Board of Education. We handle District policy.

20 And, the details of which drivers are doing what  
21 are really left to the people on an individualized basis to  
22 the Transportation Office.



GJW/sw

1 Right now, his position would have to be -- since  
2 it is the policy of the District -- not to allow those  
3 children on buses with bus drivers that are not authorized  
4 by our School District. I have to keep coming back to that,  
5 because that is what his responsibility is.

6 That is what the policy of the District is, and  
7 that is the position he is supposed to take. And, that's  
8 the role he is supposed to follow.

9 MR. HARLOW: Let's take about five minutes and  
10 let me see how we stand after taking a look at the  
11 questions.

12 (Whereupon, a recess is taken at 4:02 p.m., to  
13 reconvene at 4:07 p.m., this same date.)

14 BY MR. HARLOW: (Continuing)

15 Q I have one last question for you, Mr. Petrilak.  
16 What is your understanding of who you are representing as a  
17 witness in this proceeding?

18 A I am representing the Mt. Sinai School District,  
19 specifically the Mt. Sinai School Board, the Board of  
20 Education, which sets the policy for the School District.

21 Q When you testify in this proceeding, is it your  
22 understanding that you will be speaking as a representative

GJW/sw 1

of the Mt. Sinai School Board?

2

A Yes, that's correct.

3

MR. HARLOW: That is all I have. I thank you for  
4 coming in.

5

THE WITNESS: Okay.

6

(Whereupon, the taking of the deposition is  
concluded at 4:08 p.m., this same date.)

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9

ROBERT W. PETRILAK

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# TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

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

DEPOSITION OF ANTHONY R. ROSSI

Hauppauge, New York

Thursday, February 18, 1988

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1 GJW/sw 1

THE WITNESS: Not until you ask them I guess.

2

BY MR. HARLOW: (Continuing)

3

Q Well, let me ask you this. According to a letter from Mr. Miller from Kirkpatrick & Lockhart to our law firm, a letter dated February 12th, this letter says you will be testifying about "the implementability of LILCO's auxiliary school bus driver proposal."

8

What does that mean to you?

9

A That means that the -- I would be responding I guess to questions concerning the possibility of LILCO's evacuation of students and -- or just transportation in general.

13

Q Do you know what the term "role conflict" or "role abandonment" means?

15

A To some degree. I'm no professional in the area, but we understand roles.

17

Q Generally, could you give me your own definition or your own impression of what those terms mean?

19

A Well, for example, I have two roles that I can think of right off the top, and one is as a parent and one is as Transportation Supervisor.

22

Q And, when one speaks in terms of role conflict --

1 GJW/sw 1 when one speaks of being in conflict in one's roles or  
2 abandoning one's roles in an emergency, what does that mean?

3 Do you have any opinions on that?

4 A I think you are asking me if I would -- you are  
5 putting me in a position to choose which role I would play  
6 as opposed to another in the event of an emergency, where my  
7 job may conflict with my role as a parent. And, I would be  
8 forced to make that decision.

9 Q Do you anticipate that you will be testifying on  
10 the issue of role conflict or role abandonment in this  
11 proceeding?

12 A Not as a professional but, as I said, as a parent  
13 and employee.

14 Q Have you been asked in any way to give any  
15 testimony or your opinions on role conflict in the  
16 proceeding?

17 A As it relates to the evacuation and what  
18 information I may have from my drivers, which I've done in  
19 the past -- I have done -- yes, I can respond to that.

20 Q Apart from your past experience which you alluded  
21 to, have you done any preparation in anticipation of giving  
22 testimony on that issue up to this point or in preparation

1 GJW/sw 1 for this deposition?

2 A Nothing very current.

3 Q You say nothing very current. Have you ever done  
4 preparation for -- have you ever done that sort of study or  
5 that sort of preparation on the issue of role conflict?

6 A I prepared back the last time I gave testimony a  
7 survey for bus drivers, both District and contract drivers,  
8 which asked questions concerning role conflict which were  
9 taken from the original information, the original LILCO plan  
10 I believe, asking whether the drivers would respond and come  
11 in and drive buses or would they go home and take care of  
12 their children first, or what would their priorities be in  
13 the event of a Shoreham disaster.

14 Q Well, apart from that, that survey or that study,  
15 you haven't done anything similar to that since that time,  
16 since you originally testified in this proceeding?

17 A No, not that I can think of.

18 Q How long ago were you contacted to be a witness  
19 in this proceeding? Not the one before, but this current,  
20 the remand, proceeding?

21 A About two weeks ago.

22 Q When did you actually agree to be a witness?



1 GJW/sw

A No.

2 Q Have you ever contacted a bus driver for early  
3 dismissal purposes and have them not show up?

4 A Yes.

5 Q Could you tell me about that occurrence or  
6 occurrences?

7 A We have had occasionally drivers that become very  
8 nervous with the weather conditions, that become too  
9 nervous, be it migraines, headaches or just tension,  
10 whatever, and opt to leave before completing their duties or  
11 not even beginning their duties.

12 Q Are they the only occurrences like that that you  
13 can recall?

14 A At the moment, yes.

15 Q Do you plan to give any testimony in this  
16 proceeding, this current remand proceeding, about whether or  
17 not the LILCO school bus driver proposal is legal or  
18 illegal?

19 A No. I don't think I'm qualified as to the  
20 legality of it.

21 MR. HARLOW: Could we take about a five minute  
22 break? I want to go through my questions and see if there

# TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-322-OL-3  
(Emergency Planning)  
(School Bus Driver Issue)

DEPOSITION OF J. THOMAS SMITH

Hauppauge, New York

Thursday, February 25, 1988

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1 GW/sw 1 but I will see if I can clear it up.

2 The things that you just talked about, how to  
3 drive a bus, child psychology, first aid, how to drive in  
4 incimate weather, and child cc.trol, is that the 28 hours  
5 that you provide in addition to the 20 hours that are  
6 required by the State?

7 A Yes. In our district we mandate that you have 48  
8 hours of training.

9 Q Okay. What is your understanding of the issues  
10 in this proceeding?

11 A What are my understandings? My understanding is  
12 that LILCO, if they had an accident of some type, would  
13 request an e ergency evacuation, or an early take home from  
14 our area, or the EPZ zone, and to relocation centers or as  
15 quickly as possible to their homes or shelter their  
16 students, not necessarily in that order.

17 Q Is it correct that you are going to be giving  
18 your opinions on the implementability of LILCO's proposal to  
19 use LERO auxiliary bus drivers to implement this procedure?

20 A Say that again, please.

21 Q Okay. Is it your understanding that you are  
22 being asked to give your opinion about the implementability

1 GW/sw 1 of LILCO's auxiliary bus driver proposal?

2 A Yes.

3 Q Can you tell me what your opinion is?

4 A My opinion is, based on all input that I have  
5 received, the Plan is not good. The drivers are not  
6 trained, and the Plan cannot work.

7 Q What is this input that you are basing your  
8 opinion upon?

9 A Number one, my experience was dealing with  
10 transporting children; and number two, some of the detailed  
11 documents that I have seen, which are the Plan itself that  
12 LILCO has given. And the logistics involved. The  
13 logistics, the people involved.

14 The time schedule that never seems to  
15 materialize, those kind of things are what formulate my  
16 opinion.

17 Q Now, your opinion is that LILCO's proposal is not  
18 good. What about LILCO's proposal is not good?

19 A What about the proposal?

20 Q Yes.

21 A Why isn't it good?

22 Q Right.

# TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

DEPOSITION OF RICHARD N. SUPRINA

Hauppauge, New York

Thursday, February 25, 1988

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GJW/sw

1 an extremely high student or child to adult ratio. And, I  
2 don't see any evidence that that has been planned or can be  
3 guaranteed.

4 Q Dr. Suprina, thank you for going through that.  
5 Are those the concerns that you have identified by going  
6 through this document -- does that complete your concerns?

7 A Those are what come to mind as I read it. Lots  
8 of times when I have documents, legal or medical or things  
9 like that, I would go back and put it down and reread it  
10 again another day and maybe come up with some other things.

11 But, right now on a cursory review of it, those  
12 are the kinds of things that I would be concerned about.

13 MR. HARLOW: I think this is a good time to take  
14 a break. Let's take about 10 minutes.

15 (Whereupon, a recess is taken at 9:40 a.m., to  
16 reconvene at 9:53 a.m., this same date.)

17 BY MR. HARLOW: (Continuing)

18 Q Dr. Suprina, before the break you went down a  
19 document and listed your concerns and explained them to us.  
20 Could you tell me generally what is the basis for your --  
21 for the concerns that you listed about the LILCO plan?

22 A I think -- as I tried to allude there, I just

GJW/sw

1 think from reading it and trying to analyze it based on my  
2 own experience, I think it is impractical. I don't think it  
3 has a reasonable opportunity to succeed.

4 And, I highlighted all the reasons from the lack  
5 of preparation that I believe the drivers would have, not  
6 only the vehicles, getting them and getting to the locations  
7 and getting to the schools and finding where the schools are  
8 and being able to supervise the people.

9 I mean, it's basically cut and dried. We are not  
10 -- the district is not prepared to give LILCO or LILCO  
11 representatives license to transport our children in our  
12 vehicles. We just don't think that that is a proper thing  
13 to do for the safety of the children.

14 And, you know, I think I went through a litany of  
15 things there that would explain why we don't think it's  
16 appropriate and that it's not a workable plan.

17 Q You are not an expert in emergency planning, are  
18 you?

19 A No, sir.

20 Q You have never studied emergency planning, have  
21 you?

22 A No, sir.



GW/sw

1 safety delivered home. If you are going to ask me has that  
2 always occurred, I am going to tell you no, and I am going  
3 to say to you that I take umbrage with that, and I let the  
4 people know.

5 So, if you are going to say is that a role  
6 conflict, in my mind it is, and maybe in their mind it is  
7 not, but I made it clear that in my mind it is.

8 Because I think that parents have a right to know  
9 that their children are protected all the time, and we are  
10 on site until they are safety delivered home.

11 Q I take it, then, you know of specific examples in  
12 which some employees of your school district have, in fact,  
13 not stayed and done their jobs in those circumstances of an  
14 early dismissal?

15 A I know that that has occurred. I could not  
16 identify specific people for you, but I know that over my  
17 career I have seen that happen.

18 Q Do you know for any case, and again, it is  
19 difficult, do you know the reasons why those persons left  
20 or failed to perform their jobs?

21 A I think it could range from a number of different  
22 things. They were concerned about their own safety. They

GW/sw 1 wanted to get a head start without basically snow. They  
2 were concerned about their child's safety, so they wanted to  
3 go and pick he or she up from the baby sitter or from the  
4 nursery school.

5 There are probably some other reasons, but I  
6 can't think of them off hand.

7 Q Just so I am clear, you didn't talk to these  
8 people after the fact and ask them why they left, did you?

9 A I specifically, in the role I am in now, did not  
10 do that. But I asked the building principals to do that.

11 Q And did they report back to you.

12 A I expect that they would follow up on that sort  
13 of thing.

14 Q So, in short, you have no direct personal  
15 knowledge of why those persons left early or failed to do  
16 their jobs?

17 A Well, only that the building principals would  
18 have told me why certain things happened, and if I asked  
19 questions of why the building wasn't covered, or why the  
20 telephone wasn't there, or why this child was left in  
21 school, or returned to school not to find the teacher  
22 there, and the building principle might have at the time

GW/sw

1 face?

2 A He called me.

3 Q And what was the substance of that conversation?

4 A Just asked if I was -- if any of the building  
5 were in the 10-mile radius, and I said yes, and he said,  
6 "Have you seen the new plan?" I said yes. He said, "What  
7 was your reaction?" And I said, "Unworkable." He said he  
8 had some contact with the firm, and would I be willing to  
9 testify, if you will.

10 Q Doctor Konig asked you if --

11 A Asked me if I had been in contact with the firm  
12 at all, and I said, no. He said, "Would you be willing to  
13 talk with them?" I said, "Yes."

14 Q Who are you representing as a witness in this  
15 proceeding, or what is your understanding of who you are  
16 representing?

17 A I believe I am representing the Board of  
18 Education and the best interest of the parents and children  
19 in the Riverhead Central School District.

20 MR. HARLOW: Let me take about five minutes to  
21 look over my notes, and I think we can get you out of here  
22 by 11:00.

LILCO, March 11, 1988

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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 Motion to Compel Answers to Certain Interrogatories and Requests for Production of Documents were served this date upon the following by Federal Express as indicated by two asterisks, or by first-class mail, postage prepaid.

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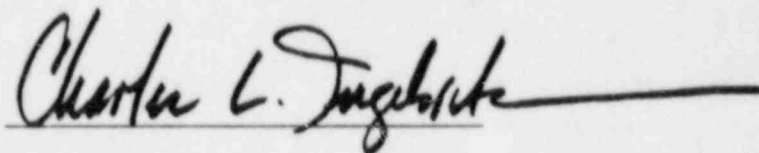
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A handwritten signature in black ink, reading "Charles L. Ingels", with a long horizontal line extending to the right.

Hunton & Williams  
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DATED: March 11, 1988