

NUCLEAR REGULATORY COMMISSION
 Docket No. 50-322-OL-3 Official Exh. No. (80) 4
 In the matter of LILCO
 Staff IDENTIFIED
 Applicant RECEIVED
 Intervenor REJECTED
 Cont'g Off'r _____
 Contractor _____
 Other _____
 Reporter _____
 DATE 5-26-88
 Witness D. STEVENS

A-1 (BD)

DATE: February 10, 1988
DO1988
 USNRC

'88 JUL 22 A8:18

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
 DOCKETING & SERVICE
 BRANCH

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

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

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

This is the State of New York's response 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," dated January 27, 1988 ("LILCO's Third Set of Interrogatories and Requests").

To the extent that LILCO's Third Set of Interrogatories and Requests seeks information and documents of any sort that are not within the possession, custody or control of the State of New York, but, rather within the possession, custody or control of school districts, bus companies or county governments (including Suffolk County), the State of New York objects. School districts, bus companies and county governments are autonomous from the State of New York and are not within the State of New

York's control. Accordingly, the burden of obtaining such information is the same for LILCO as it is for the State of New York.

To the extent that LILCO's Third Set of Interrogatories and Requests seeks information and documents of any sort that are protected against disclosure, for example, by attorney work product doctrine, the State of New York objects.

LILCO Interrogatory No. 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.

Response: The requested information is taken from a New York State Education Department form entitled "Basic Educational Data System School Data Form Fall 1987." These forms will be produced, as appropriate, within the time period set forth in 10 CFR 2.741. As is evident from the title, the date of the information contained in the forms, upon information and belief,

is "Fall 1987." Upon information and belief, the persons who provided the requested information are identified on the forms. With these caveats, on a school-by-school basis, the names of the persons who completed the forms are:

<u>School District</u>	<u>Names</u>
South Manor Union Free School District	
South Street School	Benedict A. Merendino
Dayton Avenue School	William H. Burger
Riverhead Central School District	
Riley Avenue Elementary School	Gerry Martin
Riverhead Junior High School	Theodore J. Sawicki
Riverhead High School	Mary Fitzpatrick
Shoreham-Wading River Central School District	
Briarcliff Road School	Joseph Hayward
Miller Avenue School	Joan Daly-Lewis
Shoreham-Wading River Middle School	Janet Braussard
Shoreham-Wading River High School	Carol L. Willen
Wading River School	R.A. Anderson
Little Flower Union Free School District	
Little Flower Elementary School	James J. Dobson
Patchogue-Medford Union Free School District	
Eagle Elementary School	John Waide
Rocky Point Union Free School District	
Joseph A. Edgar School	Joseph Bartolotto
Rocky Point Junior-Senior High School	Daniel Galvin
Rocky Point Elementary School	Minnie Dean
Miller Place Union Free School District	
North Country Road School	Harry Faulknor
Andrew Muller Primary School	Raymond Daly
Sound Beach School	Laddie Decker
Miller Place High School	Daniel Nolan
Longwood Central School District	

Charles E. Walters Elementary School	Michael Mensch
Longwood High School	Alan Chase
Ridge Elementary School	Norman Howard
West Middle Island Elementary School	Robert Quinn
Coram Elementary School	Edward Mauragis
Longwood Junior High School/Middle Sch.	Mario DiSciullo

Mt. Sinai Union Free School District

Mt. Sinai Elementary-Junior High School	Edward Walters, Jr.
Mt. Sinai Elementary School	Barbara Chu

Port Jefferson Union Free School District

Port Jefferson Junior High School	Larry Lazar
Port Jefferson Elementary School	Sharon M. Miano
Earl L. Vandermeulen High School	Donald M. Savino

Comsewogue Union Free School District

Clinton Avenue Elementary School	Shelley Saffer
Comsewogue Senior High School	Leon Beckerman
Terryville Elementary School	Paul Graf
J.F. Kennedy Jr. High School	Patricia Woods

LILCO Interrogatory No. 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.

Response: The requested information is taken from a New York State Education Department form entitled "Transportation

Contract." These forms will be produced, as appropriate, within the time period set forth in 10 CFR 2.741. None of these forms specify who provided the information on the contracts, or the contracts themselves, to the State Education Department, except that the forms do identify the particular school district that submitted the forms to the State Education Department. Upon information and belief, the date of the information is the same as the date of each contract. With these caveats, on a bus company-by-bus company basis, the dates are:

<u>School District</u>	<u>Bus Company</u>	<u>Date</u>
Comsewogue	Medi Bus	9/1/86 and 9/1/87
	BOCES Suffolk II	7/1/87
Little Flower	Seaman Bus Co.	*
Longwood	Suburbia Bus	5/28/87
	BOCES Suffolk II	8/7/87 and 7/1/87
Miller Place	Medi Bus	8/13/87
	Coram Bus Service	9/3/87 and 9/2/87
	Seaman Bus Company	9/3/87 and 9/2/87
	Better Bus Co.	6/15/87
Mount Sinai	Medi Bus	8/18/87 and 8/25/87
	Harbor View Bus Co.	8/8/87
	BOCES Suffolk II	7/1/87
Patchogue-Medford	United Bus	8/18/86
	Crimson Coach Corp.	8/18/86
	BOCES Suffolk II	7/1/87
Port Jefferson	BOCES Suffolk II	7/1/87
	Coram Bus Service	6/4/87
	Better Bus Co.	6/4/87
	Jay Dee Tomfor Trs.	7/1/87
Riverhead	Eastport UFSD	9/1/87
	Seaman Bus Co.	9/2/87
Rocky Point	BOCES Suffolk II	7/1/87
	Seaman Bus Co.	10/12/87 and 7/1/87 and 7/9/87

Shoreham-Wading River Seaman Bus Co. 6/11/86 and 9/8/87
South Manor BOCES Suffolk II 7/1/87

*Seaman Bus Co. contracts with Little Flower School District, but as of January 19, 1988, no contract has been filed for bus service in the 1987-1988 school year.

LILCO Interrogatory No. 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.

Response: The requested information is taken from a New York State Education Department form which will be produced, as appropriate, within the time period set forth in 10 CFR 2.741. Upon information and belief, the person who provided the requested information is identified on the forms and the date of the information coincides approximately with the date that the "Chief School Officer" signed the form. With these caveats, on a school district-by-school district basis, the names and approximate dates are:

Comsewogue	Alan P. Austen	10/29/87
Port Jefferson	Unsigned	10/14/87
Mount Sinai	Anthony J. Bonasera	Undated
Longwood	Illegible	Illegible
Miller Place	Margaret M. Finn	10/20/87
Rocky Point	Edward J. Swensen	10/20/87
Patchogue-Medford	Paul E. Hauser	10/21/87
Little Flower	James J. Dobson	10/8/87
Shoreham-Wading River	Billie Briggs	10/16/87
Riverhead	George Aman	10/19/87
South Manor	William H. Burger	11/2/87

LILCO Interrogatory No. 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.

Response: Without agreeing to the relevancy of this document request, the requested documents will be searched for and produced, as appropriate, within the time period set forth in 10 CFR 2.741.

LILCO Interrogatory No. 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.

Response: Other than information or documents submitted or developed in the emergency planning proceedings in 1983-84, the State of New York has not been able, to date, to locate any responsive information or documents within the possession, custody or control of the State of New York. If and when such information and documents are located, the information and documents will be provided as appropriate.

LILCO Interrogatory No. 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.

Response: Other than information or documents submitted or developed in the emergency planning proceedings in 1983-84, the State of New York has not been able, to date, to locate any responsive information or documents within the possession, custody or control of the State of New York. If and when such information and documents are located, the information and documents will be provided as appropriate.

LILCO Interrogatory No. 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.

Response: Other than information or documents submitted or developed in the emergency planning proceedings in 1983-84, the State of New York has not been able, to date, to locate any responsive information or documents within the possession, custody or control of the State of New York. If and when such information and documents are located, the information and

documents will be provided as appropriate.

LILCO Interrogatory No. 38

In your response to LILCO Interrogatory No. 1, Suffolk County's Answers to LILCO's First Set of Interrogatories and Document Request 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.

Response: This interrogatory is not directed to the State of New York.

LILCO Interrogatory No. 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."

Response: This interrogatory is not directed to the State of New York.

LILCO Interrogatory No. 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, regulation, or ordinances? If so, what are they?

Response: This interrogatory does not appear to be directed to the State of New York because the quotation is not taken from the State of New York's January 19, 1988 response to LILCO Interrogatory No. 21. Nevertheless, see the State of New York's amendment and supplementation of the State of New York's January 19, 1988 response, dated January 27, 1988. Further research, analysis and discovery may reveal additional State and/or local laws, regulations and ordinances that would be violated by LILCO's proposal.

The objections and qualifications previously stated in response to LILCO Interrogatories Nos. 21, 17 and 22 are hereby incorporated by reference.

LILCO Interrogatory No. 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 auxilliary 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.

Response: No, the State of New York is not aware of any such contacts or communications.

LILCO Interrogatory No. 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.

Response: No, the State of New York is not aware of any such contacts or communications.

LILCO Interrogatory No. 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.

Response: No, the State of New York is not aware of any such contacts or communications.


LILCO Interrogatory No. 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.

Response: No, the State of New York is not aware of any such contacts or communications.

Objections Stated by Counsel

Counsel states all objections, assertions of privilege, and answers not requiring verification.


Richard J. Zanniuter
Deputy Special Counsel
to the Governor

Attorney for Mario M. Cuomo
Governor, and the State of New York

DATE: 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)	Docket No. 50-322-OL-3
(Shoreham Nuclear Power Station)	(Emergency Planning)
Unit 1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Response of the State of New York to LILCO's Third Set of Interrogatories and Requests for Production of Documents Regarding Role Conflict of School Bus Drivers" have been served on the following this 10th day of February 1988 by U.S. mail, first class, except as noted by asterisks.

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EXHIBITS: UNITED STATES NUCLEAR REGULATORY COMMISSION

LILCO HOSPITAL EVACUATION

In the Matter of:

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power)
Station, Unit 1))

Docket No.
50-322-OL-3

DATE: June 2 through 3, 1988

PLACE: Hauppauge, New York

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