

ORIGINAL

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

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

LOCATION: Hauppauge, New York

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1 UNITED STATES NUCLEAR REGULATORY COMMISSION
2 ATOMIC SAFETY AND LICENSING BOARD

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

7 Tuesday,
8 May 17, 1988

9 State Office Building
Hauppauge, New York

10 The above-entitled matter came on for hearing
11 at 9:00 a.m.

12 BEFORE: HON. JAMES GLEASON, Chairman of the Board

13 For the Board:

14 JUDGE JERRY KLINE
15 JUDGE FRED SHON

16 A P P E A R A N C E S :

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21 (Continued on next page.)
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WITNESS DIRECT CROSS REDIRECT RECROSS

Panel:

Douglas M. Crocker
Dennis Mileti
Michael K. Lindell
Robert B. Kelly 19626

EXHIBIT NO. IDEN: RECD: DESCRIPTION

Suffolk County Bus Driver:

No. 1	19629	19637	Four-page document, first page cover of emergency management review, and Mileti article.
No. 2	19768		Number of exhibits from LILCO's plan.
No. 3	19773	19829	Excerpts from Revision 10, regarding the school evacuation proposal of LILCO's.
No. 4	19807	19829	Three-page document entitled "Suffolk County's Fifth Supplemental Response to LILCO's First Set of Interrogatories," et cetera, plus attachment.
5-A	19817	19829	One-page document dated October 8, 1987.
5-B	19817	19829	One-page document dated October 19, 1987.

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INSERTS:

PAGE #

List of matters for
reconsideration.

19625

P R O C E E D I N G S

JUDGE GLEASON: We can begin, please,

I believe the first thing we ought to do is dispose of the matters which the Board was asked to reconsider, its motions to strike. We have done that. We do not find any basis for changing our original decision with respect to those motions. The issue before the Board is, on remand, is, as you know, the adequacy of the number of school bus drivers that LILCO proposes to have available for an emergency evacuation and the impact of role conflict, if any impact exists, on that number.

I will go down quickly the reasons, if you will, why we decided in the first instance and redecided after the motion yesterday to keep that testimony out of the record.

On the references to the Frye Board decision on efficiencies of training, we recognize, of course, that LILCO did state in its motion for summary disposition that it did plan to work with school officials to train, equip and reimburse regular bus drivers as well as produce 562 or whatever the number is now of backup drivers.

Our decision to strike didn't rest on the argument that the Frye decision was a legal

1 matter which could only be interpreted by lawyers
2 and not subject to some interpretation by school
3 administrators. It rested on the fact that the Frye
4 decision did not consider training in an executory
5 fashion, if you will, it didn't really concentrate
6 on bus drivers at all, but it was more executory--I'm
7 sorry. The Frye decision was more with respect to a
8 training as a matter of fact, of something already
9 done, where the issue that is before us is training
10 in a more executory manner. In the case of the Frye
11 Board, it was looked at more as an accomplished
12 fact.

13 We are not obligated, of course, to
14 really be guided by that decision, but that is not
15 the reason, either, really to exclude it. It was
16 just that it was a different kind of a training
17 aspect and, therefore, was not relevant and not
18 probative in the matter that we have before us.

19 With respect to the school bus driver
20 statements, the Board, of course, understands, as
21 all of you know, hearsay evidence is admissible in
22 administrative proceedings, if it appears reliable
23 and is not otherwise improper. The only foundation
24 for the alleged signed statements that is in the
25 record was attachment 12, but there is only a form

1 communication, unsigned, accompanied by a supposed
2 breakdown of signed statements of bus drivers by
3 school districts which was unsponsored and not
4 authenticated. In light of the statements by the
5 applicant that the interrogatories that they
6 attempted failed to get school witnesses to
7 acknowledge familiarity with the background of those
8 statements, the Board had no alternative except to
9 grant the motion to strike those matters as
10 unacceptable hearsay.

11 We are not saying the information is
12 not important. What we are saying is the
13 introduction would be unfair and prejudicial in the
14 present circumstances to other parties. With
15 respect to number two on your document, with regard
16 to the witnesses' statements regarding their refusal
17 to implement a LILCO school plan, these statements
18 or conclusions are, in our view, strictly outside
19 the scope of the hearing, which once again is the
20 number of drivers available, not whether they would
21 be accepted by school officials.

22 We have not used and not addressed the
23 best efforts argument in any of our denials. One
24 should not draw any conclusion one way or the other
25 from that. It is just that we did not use it.

1 The third category, the witness
2 statements regarding protective actions they would
3 take in light of the fact that they wouldn't accept
4 LILCO's plan, is, once again, as to issues outside
5 the scope. What they will do is not the issue in
6 this proceeding. The issue is what is LILCO's plan
7 and how is that acceptable or unacceptable.

8 Number four, the Mt. Sinai resolution,
9 is outside the scope also and is stricken for the
10 same reasons that I have just reiterated.

11 Number five and number six--number
12 five, it was agreed that the reference to Port
13 Jefferson statements should have been included as
14 testimony and that will be included, the testimony
15 accepted. And number six has been withdrawn, as I
16 understand it, by Suffolk County.

17 On number seven, the reasons supporting
18 witnesses' statements, as LILCO's school evacuation
19 plan is not workable, though one might--at least I
20 have a little difficulty trying to distinguish these
21 matters between the reasons why and the acceptance
22 of those reasons as facts, nevertheless, as facts
23 they are not subject to relitigation. Some of them
24 have been litigated already and they are truly
25 dealing with matters that are outside the scope of

1 this particular hearing. It is on that basis that
2 they are excluded.

3 As I indicated before, we have not used
4 the best efforts reason in any of the denials of the
5 testimony.

6 Finally, number eight, the witness'
7 concluding testimony, all I can really say is that
8 really is statements stricken because as we
9 indicated, they are either hearsay, irrelevant,
10 outside the scope, and sometimes all three were
11 tainted with the same problem. There is no basis
12 for those conclusions in this hearing, which is
13 confined, which is on the adequacy of school bus
14 drivers, again, and the impact of role conflict.

15 So, that finishes our reasons at least
16 for continuing the exclusion. I might say, as we
17 have tried to indicate in some of our proceedings, I
18 do believe that motions for reconsideration of
19 anything should come up--should be supported by new
20 material. This was really a rehash of material that
21 had been supplied to us in responses to those
22 motions.

23 I would like to say one other thing and
24 I don't want anyone to draw any too strong of a
25 conclusion. I don't--I would like people, of

1 course, to listen to it. But I don't think we made
2 a great deal of progress yesterday. I don't really
3 want to try to put pressure on anybody to not
4 proceed with their case in the way that they want
5 to, but we do intend to conclude this phase of the
6 hearing this week, with the exception of the other
7 witnesses that are coming a little bit later. I
8 don't want to get into issues or questions requiring
9 you to file cross-examination plans in limiting
10 time, but if necessary, we will do that. I try to
11 urge you to please make sure your questions are
12 essential to the point, the relevancy as to what is
13 necessary for the hearing.

14 You have some corrections to make, so
15 please proceed with those.

16 MR. CHRISTMAN: Thank you, Judge
17 Gleason. Mr. Kelly discovered three additional
18 corrections that ought to be made. I will just ask
19 him to read for the court reporter what those are.
20 These are all, I believe, on Appendix G, as in
21 Godfrey.

22 WITNESS KELLY: On page one of Appendix
23 G, the last case listed after number 19 reads
24 "Minot." It should read "Columbus."

25 MP. CHRISTMAN: Just a second. Judge

1 Shon, number 19, the name of the evacuation is
2 wrong. It should be Columbus, Ohio, rather than
3 Minot.

4 JUDGE SHON: Okay.

5 WITNESS KELLY: The column following
6 that, the number two appears. That should be number
7 one.

8 MR. McMURRAY: What page was that?

9 WITNESS KELLY: Page one.

10 Under the column entitled "Number
11 emergency managers," after 19, which now reads
12 "Columbus," there is a two. That should be a one.

13 On page eight, question number 36,
14 where it says "No-11," that should be "No-1."

15 MR. CHRISTMAN: Simply delete the first
16 digit one, which is a typo.

17 WITNESS KELLY: Then on page nine,
18 number 40, yesterday we changed that to eight and
19 eleven and the explanation below those numbers reads
20 "In Marysville some bus companies reported 'yes'
21 while others reported 'no.'" The following sentence
22 reads, "This case was considered a 'yes' in the
23 summary," and it should now read, "This case was
24 considered a 'no' in the summary." We just failed
25 to correct the explanation yesterday.

1 MR. CHRISTMAN: Is that all the
2 corrections you found?

3 WITNESS KELLY: Yes.

4 MR. CHRISTMAN: Thank you.

5 JUDGE GLEASON: Mr. McMurray?

6 MR. McMURRAY: Judge Gleason, I have
7 two preliminary matters. The first, I just want to
8 inform the Board that based on yesterday's progress
9 I really see absolutely no problems with us
10 finishing this issue by the week.

11 The second point I would like to make
12 is that because Mr. Crocker can't be here tomorrow,
13 at about the mid-morning break I am going to try to
14 stop at a logical point and we will proceed with the
15 part of the testimony that really is sort of a
16 separate issue, which is the LERO bus drivers, which
17 starts at page 49. So the Board should be aware
18 that we are going to start on page 49 sometime
19 around mid-morning and Mr. Miller will be conducting
20 that examination. I have already informed Mr.
21 Christman about that.

22 MR. CHRISTMAN: That's right.

23 MR. BACHMANN: Judge Gleason?

24 JUDGE GLEASON: Yes.

25 MR. BACHMANN: May I more or less

1 interrupt for a second? The letter that was handed
2 to the Board and the parties yesterday concerning
3 the EBS and the trying of that issue, because there
4 are a number of witnesses that are scheduled, would
5 it be possible either to discuss it now or perhaps
6 have a Board ruling by, say, the lunch break today?

7 JUDGE GLEASON: We can't discuss it now
8 because I haven't read it yet. I have been too busy
9 with this other aspect.

10 MR. BACHMANN: In quick synopsis,
11 counsel for LILCO has asked that we put off hearing
12 the EBS issue to the third week.

13 JUDGE GLEASON: Let me look at it and
14 we can discuss it as soon as I come back from lunch.

15 MR. BACHMANN: Thanks.

16 JUDGE GLEASON: Mr. McMurray, we didn't
17 really put the--I always worry about these
18 things--the matters for which you sought
19 reconsideration in the record yesterday, did you
20 give a copy of this to the reporter? It should be
21 in the record.

22 MR. McMURRAY: I thought that we did
23 fine without putting it in the record, but if you
24 would like, that's fine.

25 JUDGE GLEASON: I think perhaps we

1 ought to include that in the record. If you can put
2 it ahead of my comments this morning, fine. If not,
3 at least at the end.

4 Make sure she gets a copy of that.

5 MR. McMURRAY: Yes, sir.

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From testimony of Cole, et al.

1. Frye Board decision, p. 23, line 18 through p. 26, line 3.
2. School bus driver statements, p. 19, lines 15-16 and p. 43, lines 4-7.

LIST OF MATTERS FOR WHICH SHERBORN COUNTY WILL SEND RECONSIDERATION

Proc Instimony of Brockley, et al.

1. Reference to Hays Board Decision, p. 52, lines 8-10.
2. Witnesses' statements regarding refusal to implement LILCO's school plan:
 - a. "First, the school districts would not permit LILCO personnel to drive their buses or to transport their schoolchildren." p. 49, lines 3-8.
 - b. "We would not allow that to happen, even in the event of a serious Sherborn emergency." p. 49, lines 20-21.
 - c. "Thus, we could not permit them to transport our schoolchildren." p. 51, lines 7-8.
 - d. "In these circumstances, we would refuse to permit LILCO's drivers to transport our children." p. 52, lines 13-14.
 - e. "We reiterate that we would not release our buses to LILCO or its employees." p. 53, lines 20-21.
3. Witnesses' statements regarding protective actions they would take, pp. 70-71.
4. Reference to 1988 M. 53rd resolution, p. 30, lines 4-9.
5. Reference to Fort Jefferson students, p. 39, lines 1-4.
6. Reference to fact that school personnel, including bus drivers, would experience role conflict, p. 28, lines 5-7.
7. Reasons supporting witnesses' statements that LILCO's school evacuation plan is not workable:
 - a. Parents' desire to reunite with their children, p. 28, lines 10-12; p. 34, line 18, thro p. 55, line 3; and p. 64, line 19, thro p. 65, line 2.
 - b. Likelihood of role conflict among school teachers, p. 52, line 15, thro p. 53, line 4 and p. 54, lines 3-4.
 - c. LILCO's proposed reception centers for schoolchildren, p. 52, lines 5-20, p. 53, lines 2-8, essentially all of p. 54, and Acts, 13, 14.
 - d. No provision for monitoring/decontaminating school-children, p. 54, lines 8-17.
8. Witnesses' concluding testimony, pp. 78-79

1 Whereupon,

2 DOUGLAS M. CROCKER

3 DENNIS MILETI

4 MICHAEL K. LINDELL

5 ROBERT B. KELLY,

6 having been previously sworn, resumed and testified
7 further as follows:

8 CROSS-EXAMINATION (Cont'd.)

9 BY MR. McMURRAY:

10 Q. Let's turn to page 18 of the testimony.
11 At the top of the page, the second sentence states
12 that the reason--and I think we are talking about
13 the absence of role abandonment as you see it--is
14 that role clarity or specification, not social
15 category, determines the behavior of emergency
16 workers.

17 Do you see that sentence?

18 A. (Mileti) Yes. I see the first full
19 sentence on page 18.

20 Q. The second sentence.

21 A. (Mileti) Thank you, yes. I see that
22 one as well.

23 Q. It says, "The reason is that role
24 clarity or specification, not social category,
25 determines the behavior of emergency workers."

1 Correct?

2 A. (Mileti) Yes.

3 Q. When talking about role clarity, you
4 are talking about role clarity prior to the
5 disaster. Correct?

6 A. (Mileti) It could emerge during the
7 disaster, but when I wrote this I was thinking about
8 it prior to the emergency. Yes.

9 Q. Also yesterday we were discussing the
10 value of training or planning. Was it your
11 testimony yesterday that training or planning is not
12 essential to avoid role abandonment by some
13 emergency workers?

14 A. (Mileti) I would have to answer that
15 question no, but that "no" requires to be clarified.
16 In terms of role abandonment and how it has been
17 observed empirically, it happens very infrequently.
18 And, therefore, the recommendations that social
19 scientists could make regarding how it could be
20 overcome or avoided are really going toward helping
21 people reduce role conflict in emergencies.

22 I suspect that the infrequent
23 observations of role abandonment that have been
24 observed would likely still occur. I think,
25 therefore, I would recommend in planning that role

1 clarity is something that is important to do. That
2 is the definition of planning. Additionally, that
3 role conflict is something we know is going to occur
4 in all emergency workers, or should assume that it
5 does in all emergency workers. The incident of role
6 abandonment is likely going to be small in an
7 emergency. Theoretically, therefore, the
8 proposition would hold that role clarity helps
9 reduce the probability of role abandonment.

10 Q. Well, haven't you written before that
11 if role abandonment is not to be a problem in an
12 emergency, then emergency work training is
13 essential?

14 A. (Mileti) I may have. I see you are
15 reading from something that looks like one of my
16 articles.

17 Q. Let me have a document distributed
18 right now. This is a four-page document. The first
19 page is a cover of emergency management review and
20 the next three pages are an article which appears
21 under your name entitled, "Role Conflict and
22 Abandonment in Emergency Workers."

23 MR. McMURRAY: At this time I would
24 like to have this exhibit marked as Suffolk County
25 Exhibit No. 1 for identification.

1 JUDGE GLEASON: It will be so marked.
2 (The document referred to was
3 marked for identification as
4 Suffolk County Bus Driver Exhibit
5 No. 1.)
6

7 Q. Dr. Mileti, have you seen this article
8 before?

9 A. (Mileti) Yes. I wrote it and it cited
10 it in my testimony.

11 Q. When did you write this article?

12 A. (Mileti) I believe I wrote it--I wrote
13 parts of it originally in 1982 and/or '83 and
14 rewrote it in '84.

15 Q. When was it published?

16 A. 1985, I believe. Let me check. I
17 think that is what it says in my testimony. I don't
18 see a date--

19 Q. Go to--

20 A. I do see a date. It's '85.

21 Q. Go to the last page of the document.

22 Under the heading "Conclusions and Implications for
23 Emergency Management," do you see that heading?

24 A. (Mileti) Yes, I do.

25 Q. You raise a number of points. Let's go

1 to the third sentence under that heading, beginning
2 with the word "second." You state that, "Second,
3 when emergency work roles are not clear or
4 certain--perhaps through a lack of training or
5 planning--for emergency workers, role conflict in
6 emergencies can result in seeing would-be players
7 playing more certain roles towards intimates before
8 attending to emergency work."

9 Do you see that?

10 A. (Mileti) I beg your pardon. I don't.
11 I started reading another sentence that began the
12 same way. I beg your pardon.

13 Q. It is the third sentence under the
14 heading "Conclusions and Implications for Emergency
15 Management." I have read it into the record. Why
16 don't you take a second to read it.

17 A. (Mileti) Is it the one that begins
18 with the word "first" or "second"?

19 Q. Second.

20 A. (Mileti) Yes, I have. Thank you.

21 Q. So the implication here is that when
22 role clarity does not exist with respect to the
23 emergency role, there is a greater chance of
24 attending first to family needs. Correct?

25 A. (Mileti) The conclusion that I would

1 reach in general is yes. However, again, let me
2 qualify that. And that really rests on the
3 theoretical premise that if one is choosing between
4 different roles in an emergency and one role is more
5 salient, one role is more clear, one doesn't know
6 that they have an emergency job. they are likely to
7 end up doing something else. The something else you
8 might end up doing is playing the role of family.
9 We all know that that is a certain role we have all
10 the time.

11 Q. You seem to make this a black and white
12 situation, Dr. Mileti, either one knows or doesn't
13 know whether one has an emergency role. Isn't there
14 a gray area between--can't one suspect one has a
15 role but, for instance, the role to family may be
16 more certain at the time of the disaster?

17 A. (Mileti) Absolutely. Almost every
18 social variable, even the ones that appear obviously
19 dichotomous, like sex for example, actually exist on
20 a continuum.

21 Q. So it is not simply a matter of knowing
22 or not knowing you have an emergency role there.
23 There is a spectrum, correct?

24 A. (Mileti) Knowing that role, as we have
25 been talking about in reference to it being clear to

1 the person, it would divide the continuum. But,
2 yes, it exists on a continuum.

3 Q. Further down in the second column, you
4 state that, "Conclusions such as these suggest that
5 if an emergency worker--before disaster strikes--has
6 a clear image of their emergency role which can be
7 achieved through--" I'm sorry, I misread that.

8 "Conclusions such as these suggest that
9 if an emergency worker--before disaster strikes--has
10 a clear--" I will omit the citations--"and
11 certain"--omitting citations--"image of their
12 emergency role which can be achieved through
13 planning and training, then emergency workers
14 resolve role conflict in emergencies in favor of the
15 emergency worker roles," et cetera.

16 Do you see that?

17 A. (Mileti) Yes, I do.

18 Q. Again, that buttresses the point you
19 made before that when you wrote your testimony you
20 were talking about role clarity, you were talking
21 about role clarity prior to the emergency, correct?

22 A. (Mileti) In this passage, that is
23 correct. In fact, this is almost taken verbatim out
24 of my 1983 testimony.

25 Q. At the bottom, then, you draw the

1 conclusion, in the last sentence, "It seems,
2 therefore, that the abandonment of emergency work
3 roles by emergency workers is not a problem in
4 disasters if--" you say "if"--"emergencies are
5 prefaced by emergency worker training."

6 Sorry. That wasn't the last sentence.
7 You go on to say, "It is, however, one very real
8 reason, among others, why emergency planning and
9 emergency worker training is essential."

10 You do use the word "essential,"
11 correct?

12 A. (Mileti) I do believe that emergency
13 preparedness is, in my opinion, essential.

14 Q. And the point here is that it is
15 essential to try to reduce role abandonment by
16 emergency workers. Right?

17 A. (Mileti) You could draw that
18 conclusion from what you just read. However, I have
19 to restate what I said yesterday. I don't know of
20 one emergency in this country where an emergency
21 response organization has not been able to
22 accomplish its job because of role abandonment.
23 That doesn't mean that we should ignore it. I think
24 planning is good. Role clarity is good. It helps
25 people know what they are supposed to do. And I

1 think it will reduce role conflict.

2 Q. In the passage just above that, you
3 cite the difference between the findings that
4 Killian made, and some others made--for instance, in
5 the Netherlands disaster--and findings that were
6 made subsequently showing no role abandonment.
7 Isn't it true that the distinction you make here is
8 that there was little or no emergency planning and
9 training in the early days and better emergency
10 planning or training later on, and that accounts for
11 the reduction in role abandonment?

12 A. (Mileti) That, indeed, is one
13 interpretation. And I was concerned and have always
14 been in reviewing the literature that the early
15 generation of role abandonment or conflict
16 literature that exists in my discipline has scholars
17 concluding that role abandonment did occur in their
18 opinion and that role conflict was profound or large
19 and that many people did not behave as they thought,
20 those researchers thought they should have behaved.
21 Yet, then there is a whole group of people later on,
22 in more contemporary research, who seem to find the
23 opposite.

24 From a sociological point of view, that
25 needs to be resolved. In thinking about what makes

1 life in America different today and in the past
2 decade or so from the fifties research, when this
3 research was first going on, it became clear that
4 society has changed in a variety of ways. Barton,
5 in his book, for example, shows from different
6 people's disaster research that no women did
7 emergency work in the emergencies--one or two of the
8 emergencies studied. And he concludes that they
9 didn't know that they had an emergency job. Well,
10 women didn't work in the fifties. Women do work
11 today. I don't know--I haven't done a study, I
12 admit. But I suspect bus drivers in the fifties
13 were probably men. I just don't know.

14 So, I think that the notion that women
15 in the fifties might not have had a disaster role
16 salient to them and that most of that data was
17 actually studying how people volunteered for
18 emergency work rather than how people who had
19 emergency jobs or a job related to emergency
20 response that they might think up in the emergency,
21 renders the empirical evidence, I think, consistent.

22 Q. Is the basis for your conclusion that
23 planning and emergency worker training is essential
24 if we are to reduce role abandonment? Correct?

25 A. (Mileti) If we are going to

1 reduce--well, first, I have always said and I do
2 believe that the incidence of role abandonment are
3 infrequent enough that that might occur anyway. If
4 we wanted to attempt to reduce the small incidence
5 of role abandonment further, which isn't necessary
6 from an organizational effectiveness and efficiency
7 point of view, then we could do this.

8 It definitely would have a profound
9 impact on reducing role conflict.

10 Q. Well, this article is written for
11 emergency managers, isn't it, to help them plan for
12 emergencies?

13 A. (Mileti) It is an emergency manager's
14 journal. That is, those are most of the people who
15 read it. One would hope that what they read might
16 have an impact on what they do, but you never know.

17 Q. And you didn't write this article to
18 inform them about some trivial matter; this is an
19 issue that was important to emergency managers,
20 wasn't it?

21 A. (Mileti) I can't say the degree to
22 which I know it is an issue that is important to
23 emergency managers. I know it is one of the--the
24 myths that many people believe in in terms of
25 problems in emergencies. In that sense, I think it

1 is important to speak out on it, as it would be
2 other myths.

3 MR. McMURRAY: Judge Gleason, I would
4 like to move Suffolk County 1 into evidence.

5 JUDGE GLEASON: Objection?

6 MR. CHRISTMAN: No objection.

7 MR. ZAHNLEUTER: No objection.

8 MR. BACHMANN: No objection.

9 JUDGE GLEASON: Hearing none, the
10 exhibit will be received in evidence.

11 (Suffolk County Exhibit No. 1 was
12 so received in evidence.)

13 Q. On page--

14 MR. BACHMANN: Judge Gleason, can I be
15 advised as to whether or not three copies have been
16 provided to the reporter.

17 JUDGE GLEASON: They have.

18 MR. BACHMANN: Thank you.

19 Q. Dr. Lindell, on page 18, you are asked
20 what the literature of social psychology tells us.
21 Just briefly, how is social psychology different
22 from the literature discussed earlier in the
23 testimony?

24 A. (Lindell) The literature on social
25 psychology cited here is work drawn primarily from

1 social psychologists who are in departments of
2 psychology. There are actually two branches of
3 social psychology. There is supposed to be--in
4 principle, they're supposed to be virtually
5 identical.

6 Social psychology deals with the
7 individual in the context of other individuals.
8 There are many social psychologists that are in
9 sociology departments and many others in psychology
10 departments. Regrettably, those literatures tend
11 not to overlap. And in the course of preparing some
12 of my teaching materials in a course in social
13 psychology in a psychology department last year, I
14 ran across some literature that--on bystanders
15 intervention that I had not previously thought of in
16 the context of intervention in disasters -that is,
17 people helping out in disasters. And it turns out
18 that the conclusions were quite similar, even though
19 the literature that is cited in this question is
20 derived from experiments rather than studies of
21 disasters.

22 As it happens, the conclusions are very
23 much the same, and the experimental social
24 psychology literature provides a better explanation,
25 I think, of some of the reasons why what happens in

1 disasters does happen. That is, there is some
2 experimental control that is possible to pin down
3 what are the reasons why people intervene, what are
4 the factors that influence whether or not people
5 intervene in an emergency. That is not so clear
6 from the disaster literature, which is survey
7 literature. Obviously, it is not experimental.

8 Q. In your testimony in the next couple of
9 pages, you set out some of the attributes of both
10 the victim and the helper that tend towards a
11 helping response. Isn't that correct?

12 A. (Lindell) That's correct.

13 Q. You have cited a few works on pages 18
14 and 19 from which these attributes are drawn. Let
15 me refer you to the Piliavin, Dovidio, Gaertner and
16 Clark article cited on page 18 and 19.

17 Isn't it true that much of that book is
18 devoted also to the factors which tend to reduce
19 helping?

20 A. (Lindell) Yes, that's correct. In
21 both cases, in both the book by Piliavin and
22 colleagues and in the social psychology textbook
23 they talk about the conditions under which helping
24 behavior does and does not occur.

25 Q. And isn't it true that one of the

1 factors that tends to reduce helping behavior is
2 cost to the helper?

3 A. (Lindell) That's correct.

4 Q. In an emergency, couldn't the
5 perception that one's family is in danger and that
6 helping might reduce the ability to help the family
7 be considered a cost?

8 A. (Lindell) You could interpret it in
9 that way.

10 Q. You didn't discuss in your testimony
11 anywhere in here the fact that cost is a factor that
12 might reduce helping behavior, did you?

13 JUDGE GLEASON: Mr. McMurray--I don't
14 mean--go ahead and respond.

15 A. (Lindell) I think the factors cut both
16 ways--

17 Q. My question is did you discuss in here
18 the cost factor?

19 A. (Lindell) Talked about an obligation
20 to act.

21 Q. Did you discuss in here that cost to
22 the helper may reduce helping behavior?

23 A. (Lindell) Not in those words, no.

24 JUDGE GLEASON: Could you amplify a
25 little bit what you mean by the word "cost"?

1 MR. McMURRAY: When I say "cost," it
2 means anything that may be considered by the helper
3 to be a cost to him. For instance, in the Piliavin
4 book it could be financial cost, physical harm. It
5 is a broad term.

6 JUDGE GLEASON: Anything that is a
7 detriment.

8 MR. McMURRAY: Yes. Anything that is a
9 detriment. Thank you.

10 JUDGE GLEASON: All right.

11 Q. Another factor that you describe on
12 page 20 is that another relevant factor which
13 determines whether or not somebody is going to help
14 or not help is if a person feels that there are any
15 number of would-be helpers. That is on page 20. Do
16 you see that testimony?

17 A. (Lindell) I see that testimony.

18 Q. Now, do you know how many bus drivers
19 LILCO is relying on from the local school bus
20 companies to drive in an emergency?

21 A. (Lindell) I don't remember the
22 specific number, but it is hundreds.

23 Q. Hundreds. Okay. Let's use that, then.
24 Couldn't a bus driver believe that
25 there are enough other bus drivers around to handle

1 the job, that he or she wouldn't be missed if he or
2 she went to attend to family first?

3 A. (Lindell) Yes, that's correct. That
4 point applies to the bus drivers believing that in
5 helping the school children, that there may be other
6 bus drivers. It also applies to the bus driver
7 believing that in going to help his or her own
8 family, that there is somebody at home that would be
9 able to help. That is why I didn't explicitly
10 address cost, because in this testimony I am saying
11 the same argument applies to helping the school
12 children. It also applies to helping their own
13 families. So, cost in a sense falls out of that
14 when you look at it, apply the same analysis to both
15 categories of potential victims.

16 Q. Is it your testimony that even if
17 objectively there might be someone at home who could
18 take care of the family or evacuate them, that in
19 all cases the bus driver would therefore not tend to
20 the family first but, rather, tend to the emergency
21 role?

22 A. (Lindell) No, I don't think that is
23 true in all cases. I believe that it is true in
24 many, perhaps most cases. But certainly not in all
25 cases.

1 Q. So the fact that there might be
2 somebody at home who objectively will be perceived
3 as competent doesn't necessarily mean that the bus
4 driver won't go home anyway?

5 A. (Lindell) I'd have to admit that
6 that's true. I can think from my own experience,
7 there are occasions under which my own children have
8 been left home alone because they are 13 and 15
9 years old, but they can't drive an automobile.

10 Q. In the books that you have cited, there
11 are certain experiments, I think you called them,
12 from which you draw your conclusions here. Did any
13 of those experiments look at the situation where a
14 bystander had to choose between intervention and the
15 health and safety of his or her family?

16 A. (Lindell) I can't think of any one of
17 those in which that was the case.

18 Q. On the bottom of the page, page 20, you
19 discuss extrinsic motivation. And in the last
20 paragraph you discuss rewards and punishments
21 administered by external sources. Do you see that?
22 That is the bottom--

23 A. (Lindell) The last paragraph that is
24 not a complete paragraph on the page?

25 Q. Right.

1 A. (Lindell) Beginning, "Extrinsic
2 motivators are rewards and punishments--"

3 Q. Correct.

4 A. (Lindell) Yes, I see that.

5 Q. You go on to say that in the case of
6 the bus companies, one extrinsic motivating factor
7 could arise from the management's ability to monitor
8 a bus driver's performance and to administer rewards
9 and sanctions for compliance or noncompliance with
10 expectations." Do you see that?

11 A. (Lindell) Yes, I do.

12 Q. Have you had any discussions with any
13 of the managers of the bus companies that are at
14 issue here?

15 A. (Lindell) No, I haven't.

16 Q. So you don't know whether they actually
17 expect their bus drivers to perform or not perform
18 in a radiological emergency at Shoreham, do you?

19 A. (Lindell) Since I haven't had any
20 conversations, I wouldn't have any way of knowing.

21 Q. Mr. Crocker, have you had any
22 discussions with any of the bus driver managers in
23 which they suggested that they would sanction bus
24 drivers who didn't perform in an emergency?

25 A. (Crocker) By "sanction," you mean

1 punish somehow if they did not perform in an
2 emergency?

3 Q. Punish, dock their pay, fire them?

4 A. (Crocker) No. Quite the contrary, the
5 one I talked to--I have only spoken to one,
6 myself--he encouraged it, but there was no
7 discussion of sanctions.

8 Q. The next paragraph, "Another source of
9 extrinsic motivation could come from members of the
10 community at large and specifically the parents of
11 the school children." Isn't it true, Dr. Lindell,
12 that at least at this time the bus drivers are
13 getting signals from the community that they would
14 not necessarily be expected to perform in an
15 emergency?

16 A. (Lindell) I can't answer that.

17 Q. Have you read the testimony of the
18 school administrators?

19 A. (Lindell) No, I haven't.

20 Q. Dr. Mileti, have you read that
21 testimony?

22 A. (Mileti) No.

23 Q. Mr. Crocker, have you read that
24 testimony?

25 A. (Crocker) I have read either the

1 depositions or the testimony. I am not sure which
2 one. They are similar in content, I am sure.

3 Q. I am not going to ask you about the
4 content of their testimony. That will speak for
5 itself.

6 The next paragraph goes on to state
7 that the community would want the school bus drivers
8 to drive. Do you see that, Mr. Crocker?

9 A. (Crocker) Yes.

10 Q. You do also sponsor that piece of
11 testimony, don't you?

12 A. (Crocker) I'm sorry. I was a
13 paragraph above you.

14 Yes.

15 Q. Isn't it also possible that parents
16 would rather go to pick up their children in the
17 schools rather than have the bus drivers drive the
18 children out of the EPZ?

19 MR. CHRISTMAN: Objection. This has
20 been stricken and it was litigated four years ago.

21 JUDGE GLEASON: I think we have to
22 strike that question, Mr. McMurray.

23 Q. Mr. Crocker, what is the basis for
24 stating that parents would want the bus drivers to
25 drive the buses rather than having something else

1 done?

2 A. (Crocker) In my opinion, if the
3 parents were to show up at the schools, you would
4 have a more time-consuming process of getting the
5 children out of the EPZ. You don't know where the
6 parents are at the onset of emergency. They would
7 have to travel to the school, find the children and
8 then take them wherever. The use of school buses in
9 evacuation is better organized and would be more
10 efficient. Kids would be under the supervision of
11 the same people that supervise them daily. As a
12 parent, I would be comfortable with that.

13 Q. You are assuming that the parents know
14 the time differentials between going there
15 themselves and picking up the children in buses.
16 Correct?

17 A. (Crocker) I imagine that they know how
18 long it takes them to get from wherever they,
19 perhaps, might work or live to the school. Yeah,
20 I'd make that assumption.

21 Q. On the bottom of page 21, Dr. Lindell,
22 you are talking about Professor Turner's statement
23 in his deposition. Do you see that?

24 A. (Lindell) Yes, I do.

25 Q. You state that, "The community might

1 tolerate bus drivers going off to the aid of their
2 families, but it is hard to believe that they would
3 actually approve their failing to act." That is
4 your testimony, right?

5 A. (Lindell) That is correct.

6 Q. But also you say that Professor
7 Turner's analysis only applies in the long run, and
8 in the short run it would be obvious that the bus
9 drivers have the ability to remove the children and
10 that this would be salient at the time of the
11 emergency. Could you explain what you mean by that?

12 A. (Lindell) In the long run, I meant
13 perhaps during the recovery period. That is, over
14 six months or more after the emergency, that the
15 parents--the bus drivers may come to know
16 that--well, perhaps I better back up.

17 If there were an accident and the bus
18 drivers went to the aid of their families instead of
19 going to the aid of the school children, after the
20 accident it turns out that the children were gotten
21 out somehow, or under some terrible set of
22 circumstances that seem rather implausible to me at
23 this point given the experience we have had in
24 disasters in this country--but suppose under some
25 strange set of circumstances the school children

1 were not gotten out, this became an issue; that in
2 the long run, I think the school bus drivers might
3 be forgiven as being people that were in a difficult
4 situation. I don't think that anyone would approve
5 of them. They might--it is basically the idea of
6 extenuating circumstances. When there are
7 extenuating circumstances you don't approve somebody
8 for committing a crime, if they have done that. You
9 just say, "Well, I can understand why they did it."
10 They tolerate it; they don't approve it.

11 I think it is the same sort of thing
12 when somebody does something that you don't want
13 them to do if you can think of extenuating
14 circumstances, you can think of "maybe I might have
15 done the same sort of thing under those
16 circumstances," you would tolerate an action but you
17 would not approve it.

18 That is the first part of the
19 statement. The second part gets to the difference
20 between in the long run and in the short run. That
21 is in the long run. In the short run, the bus
22 drivers, I don't think, would go through that kind
23 of reasoned analysis and say, "Well, in the long run
24 it really won't make any difference. People will
25 tolerate this." What they will be aware of in the

1 short run is that they have a special competence to
2 act, that people may believe they have a special
3 obligation to act, and if they don't do that, that
4 they will be blamed for failing to do something
5 people believe to be their duty.

6 That is the distinction I am making
7 between long and short run. In the short run, all
8 the bus drivers will have available to them is that
9 they might not be doing something that people might
10 think they are supposed to do.

11 Q. You are not saying, are you, that in
12 the short run--for instance, right at the time of
13 the emergency, that parents would be putting direct
14 pressure on the bus drivers to drive the buses, are
15 you? Isn't that farfetched?

16 A. (Lindell) No, I am not at all saying
17 the parents will be communicating with the bus
18 drivers. What I am saying is that the bus drivers,
19 because of their normal role, will have--will extend
20 those to that emergency role. And they will, I
21 think, assume that they are expected to drive in an
22 emergency just as they are expected to show up if it
23 is raining outside or if there is a traffic tie-up
24 or if there is a sickness in their family. They are
25 expected, regardless of circumstances, to show up

1 and do their job. And the same kinds of
2 expectations, I think, would be assumed to apply
3 during an emergency, that they are supposed to do
4 their job, they are supposed to evacuate school
5 children if the school children need to be taken out
6 of the schools.

7 Q. But what makes you believe that the
8 local school bus drivers believe it is their job to
9 evacuate children in a radiological emergency? You
10 haven't discussed this with them?

11 A. (Lindell) No, I have not discussed
12 this with them. I am saying that on the basis of
13 the similarity--and what Dennis Mileti has said over
14 the last 24 hours or so about the--I am pausing on
15 the sociological term--normative overlap between the
16 two roles in an emergency and in normal
17 circumstances. There is such a strong similarity in
18 the roles that they would expect that their normal
19 role would apply during an emergency as well. If
20 the children need to be removed from the schools to
21 a place of safety, I think that the similarity, the
22 normative overlap would suggest to bus drivers that
23 they would be the ones that would be expected to
24 drive them, that there is not going to be anybody
25 that comes in out of the clear blue to do that.

1 Q. So they would think up a role for
2 themselves? Is that what you are saying?

3 A. (Lindell) It is not thinking up a role
4 for themselves. It is extending the normal role
5 into a different set of circumstances.
6 Circumstances vary tremendously from day to day for
7 everybody. People extend their normal roles into
8 different circumstances. As a matter of fact, as I
9 recall--perhaps Dennis Mileti can speak to this
10 better than I can--but that is my understanding of
11 what emergent norm theory is about.

12 Q. So you would expect, for instance, that
13 doctors and nurses who may not have been
14 specifically told they have an emergency role, in an
15 emergency would nevertheless think that they should
16 respond and go do what they do, which is help
17 people? Is that right?

18 A. (Lindell) I certainly would.

19 Q. You certainly would.

20 A. (Mileti) I would add, however, there
21 might need to be people that needed to be helped in
22 that particular emergency. I wouldn't expect
23 doctors and nurses to go to help if there were no
24 people--no victims.

25 Q. I will get to that later.

1 On the next page, page 22, the
2 statement is made that "The community would indeed
3 be tolerant of a bus driver who left his job to
4 protect a family that is threatened in a direct,
5 drastic way."

6 Do you see that, Dr. Mileti?

7 A. (Mileti) Yes, I do see it.

8 Q. By "direct, drastic way," you mean
9 where there is actual threat of imminent harm?

10 A. (Mileti) I mean where the family is
11 home in the house and the--whatever role of the
12 emergency worker we are talking about, bus driver or
13 otherwise, could make a difference by going there
14 and helping, I would suspect that there would be,
15 depending on the emergency role we are talking
16 about, some members of the community who would be
17 very compassionate in reference to that and some who
18 wouldn't. But I would hypothesize most would be
19 compassionate in that regard in that case.

20 Q. And when talking about the family, we
21 are talking about the bus driver's perception of the
22 threat to the family, right?

23 A. (Mileti) I have to answer that
24 question yes. All behavior is first perceived. It
25 couldn't be objective. It would have to be filtered

1 through the human mind.

2 Q. That's right, so it is possible that
3 the bus driver could perceive direct, drastic harm
4 or threat and, objectively, that might not be the
5 case. Right?

6 A. (Mileti) That is a possibility.
7 However, one would also need to, if we are talking
8 about the bus driver, think that there was something
9 that they could accomplish if they went and helped
10 that otherwise could not be performed. In other
11 words, a reason for going.

12 Q. For instance, to do something that
13 would make a difference to the health and safety of
14 the family?

15 A. (Mileti) Something that could
16 accomplish some good. Yes. To say it in English,
17 if there were a bus driver who had a member of the
18 family at home and that person, as Dr. Lindell used
19 as an example before, couldn't drive and there was
20 no one else available to drive that person out in an
21 evacuation, I suspect that bus driver would go home
22 and help that person. As I have also said, if there
23 is someone home who is competent and knows how to
24 drive, I suspect the bus driver would not perceive
25 the need to go home to help that person who already

1 knows how to drive, evacuate.

2 Q. Dr. Lindell has already said that that
3 wouldn't operate in all cases. Do you agree?

4 A. (Mileti) That what would operate in
5 all cases? I'm sorry.

6 Q. That even in cases where objectively
7 there was somebody home who could drive the family
8 out, in some cases the bus driver would want to go
9 home anyway.

10 A. (Mileti) I'm sorry. I thought your
11 first question used the word "all" and now you used
12 the word "some." In reference to some, anything is
13 possible. I would have to say, it's possible. But
14 again, sociologists like to talk in terms of what is
15 probable.

16 Q. Let's move down to question 15 and the
17 answer to that. In the second paragraph of that
18 question, the last sentence says, "This means that
19 there should be an effective organizational design
20 that includes planning and training."

21 Could you explain what you mean by
22 that, Dr. Lindell?

23 A. (Lindell) Certainly. In the disaster
24 literature, one of the ideas that emerges from
25 examining how people respond in disasters,

1 particularly ones in which there is no warning, such
2 as a tornado, that you find that people go to help,
3 typically, their family members first. If the
4 family members are safe, they will range farther
5 afield and they will help other people in the
6 community. People try to help as much as possible.
7 They may not do so in an organized fashion unless
8 they understand who it is that is responsible for
9 performing certain kinds of actions.

10 In essence, an emergency response plan
11 is a bureaucratic response to the antithesis of a
12 bureaucratic situation--that is, something that is
13 unfamiliar, it is sudden. It is an effort to
14 establish a division of labor so that people do the
15 things they are most effective in doing. You
16 anticipate what are the demands so that the greatest
17 good is done for the greatest number of people.

18 If people respond to their own
19 definitions of the situation--that is, following a
20 tornado in which there is houses down all over the
21 place and power lines down all over the place--if
22 people respond on a piecemeal basis based on their
23 own definition of the situation they may not be able
24 to do the greatest good for the greatest number of
25 people. That is the purpose of an emergency

1 response plan. Not to insure that people try to
2 help. It is so that they do it effectively.

3 Q. And that effectiveness--to insure that
4 effectiveness, planning and training are necessary.
5 Correct?

6 A. (Lindell) The example that I gave was
7 one of a tornado, where there was no prior warning,
8 so people were responding to a very severe threat
9 that emerged. In the case where there is
10 forewarning of a threat, then there is an
11 opportunity to engage in planning and training
12 during the period in which there is an elevated
13 period of threat but prior to impact. So, there are
14 cases in which it is not absolutely essential,
15 particularly if there is a very small scope of
16 impact, to engage in extensive prior training and
17 planning. On the other hand, there are cases when
18 there is a large scope of impact, there is very
19 little forewarning, when that becomes more
20 important.

21 Q. Wouldn't it be more important in a
22 radiological emergency to have planning and
23 training?

24 A. (Lindell) I think that is what this
25 country has agreed upon through the regulations for

1 nuclear power plants, that it is important to do
2 that in a radiological emergency.

3 Q. And one would expect that if there is
4 not that training, particularly here let's talk
5 about the bus drivers, that the response may not be
6 effective or as effective as it otherwise would be?

7 A. (Lindell) I think you just made a
8 critical distinction there. It may not be effective
9 versus it may not be as effective. I would not
10 agree that it would not be effective. I can agree
11 that it might not be as effective.

12 Q. In some cases, it might not be
13 effective. Isn't that right?

14 A. (Lindell) It depends upon the amount
15 of experience, it depends upon the particular
16 accident sequence that occurs. If you get a
17 very--an accident like what occurred at Three Mile
18 Island that took place over a number of days, there
19 were extensive plans that were developed by the
20 Commonwealth of Pennsylvania during the period, I
21 think, Wednesday night, Thursday and Thursday night,
22 for responding to the emergency.

23 Q. And there are accident sequences that
24 occur much faster than that, aren't there?

25 A. (Lindell) There are, indeed.

1 Q. On the bottom of page 22 and over to
2 page 23, there is a discussion of Barton's work. I
3 think, Dr. Miletì, you sponsored that. Isn't that
4 correct?

5 A. (Miletì) Yes.

6 Q. In the passage that is set out on page
7 23, that is from Professor Barton's book. Correct?

8 A. (Miletì) Yes, I believe so.

9 Q. And there, he discusses something known
10 as the Texas City disaster. Is that right?

11 A. (Miletì) Yes.

12 Q. Was that a ship explosion? Is that
13 right?

14 A. (Miletì) Yes. As well--but more than
15 the ship burned.

16 Q. The fire spread to the surrounding
17 community, right?

18 A. (Miletì) Yes.

19 Q. So the houses of some of the dock
20 workers were on fire or threatened by the fire? Is
21 that right?

22 A. (Miletì) I know some were on fire. I
23 would have to, therefore, conclude that others were
24 threatened.

25 Q. In that case, some of the dock workers

1 went to their homes to try to protect their homes or
2 their families. Isn't that right?

3 A. (Mileti) Yes, they certainly did.

4 Q. And that is because of the threat that
5 they perceived to their homes and their families.
6 Correct?

7 A. (Mileti) I would conclude that, yes.
8 I think we are probably on safe grounds in
9 concluding that.

10 Q. Now, you go on, though, to discuss the
11 differences between you and Professor Barton and
12 Turner, and you state that you think the difference
13 can be accounted for by the difference in the nature
14 of the radiological emergency that is being assumed.
15 Do you see that?

16 A. (Mileti) Yes. And I do that with Dr.
17 Lindell.

18 Q. What is your assumption of the nature
19 of the radiological emergency that Professors Barton
20 and Turner are assuming in their testimony?

21 A. (Mileti) We presumed it was a
22 situation analogous to the Texas City fire. That
23 is, where the dock workers perceived that their
24 family could be inside a burning dwelling.

25 Q. So, you are assuming that Professors

1 Barton and Turner thought that a radiological plume
2 would burn up the homes? I don't understand.

3 A. (Mileti) No. That the degree of
4 threat to the family would be equivalent--that is,
5 that physical harm was about to befall in a dramatic
6 way jeopardizing life and limb as fire would if a
7 family didn't evacuate from the house.

8 Q. Well, if people were in fact immersed
9 in a plume or about to be immersed in a plume and
10 this was perceived by the bus driver, couldn't the
11 perception of threat be the same as the families
12 being caught in a burning home?

13 A. (Mil' ti) The perception of threat,
14 conceivably, could be the same. It would depend, as
15 I have discussed many times, on a variety of things,
16 including the information about the threat that was
17 going on and the kind of emergency that was going on
18 and about how the radiation, for example, was being
19 described and/or its consequences.

20 It would also depend, however, on
21 whether or not the bus driver in this case, since
22 that is what we are talking about, thought that by
23 going home they could accomplish some good.

24 For example, one would conceive of a
25 dock worker feeling like if their wife or child were

1 in a burning house that they might be able to help
2 get them out. One could also imagine that knowing
3 that your competent husband is at home with a
4 driver's license, capable of engaging in evacuation,
5 there isn't that profound need to go home and help
6 put out the fire, for example, or help the family
7 engage in protective response.

8 Q. One could also imagine that there is a
9 need to go home to do some good to help the family
10 get out. Right?

11 A. (Mileti) It is possible. Yes.

12 Q. Let's go back to the information factor
13 which you discussed earlier. The EBS messages that
14 are going to be broadcast under the LILCO plan don't
15 actually describe in particular what homes or
16 communities are directly in the path of the plume,
17 do they?

18 A. (Mileti) It is hard for me to say.
19 Every time I see the EBS messages they seem to be
20 changed a bit. The last version I saw was the
21 version that went out in the exercise, and they were
22 adapted for the exercise. As I recollect, there was
23 information in those EBS messages about where the
24 radiation was going and what people should consider
25 as a consequence of getting monitored.

1 In the general EBS messages, the
2 generic ones, as I recollect them, and I could be
3 recollecting them from a prior rev, there was
4 information, or potentially there could be
5 information about where the radiation was in
6 reference to wor's saying things like, "At such and
7 such a distance, there is so much radiation. At
8 another distance there is so much radiation. At
9 another distance there is so much radiation." I
10 have always said I thought the Shoreham people
11 intended to put more in their EBS messages about the
12 risk zones specifically and the level of radiation
13 than any utility I know of.

14 Q. Isn't this information given sort of on
15 a macro scale? That is, the information is given
16 for certain zones rather than, for instance,
17 specific streets or specific houses and things like
18 that?

19 A. (Mileti) It would be impossible to do,
20 of course, to talk about--I would suspect, although
21 I can't say, a scientist could project that sort of
22 thing down to the house. But I do know no one I
23 know can talk fast enough to get it all in in an EBS
24 message.

25 Q. And isn't it true, for instance, that

1 in the exercise in 1986, that a large number of
2 zones, starting out with perhaps maybe a half or
3 two-thirds of the zones and then going to all the
4 zones, were advised to evacuate?

5 A. (Mileti) As I recollect, yes. I think
6 in exercises eventually it is typical that anybody
7 gets advised of evacuation.

8 Q. Isn't it true that when there are a
9 large number of zones advised to evacuate, that the
10 bus driver could perceive that his family, assuming
11 the family was in one of those zones, was threatened
12 in a direct, drastic way?

13 A. (Mileti) That they may be, if they
14 didn't engage in the recommended protective action,
15 exposed to higher levels of radiation than if they
16 did engage in the protective action.

17 Q. And that in some cases that bus driver
18 might believe that his presence was necessary to
19 assist the family in engaging in that protective
20 action?

21 A. (Mileti) It is possible. And we have
22 portrayed at least two or three different particular
23 kinds of human beings in which it would be necessary
24 for the bus driver to help engage the family in that
25 protective action. But what I have said is, for

1 most families, it is likely that they engage in the
2 protective actions without the presence of the bus
3 drivers.

4 A. (Lindell) That gets to what we think
5 is the difference between our position and that of
6 Professors Barton and Turner. That is, in the Texas
7 City disaster people were looking at their own
8 family's need. This was a safety need, protection
9 of life, and the family's capability. In this case
10 the houses were on fire and it would not be
11 reasonable for the workers to believe that the
12 families could protect themselves from the fire by
13 their own actions.

14 Q. Why is that?

15 A. (Lindell) Well, that is why there are
16 fire departments.

17 Q. Why do you think a dock worker couldn't
18 believe his family could escape their houses on
19 their two legs?

20 A. (Lindell) That is why we have fire
21 departments, to help people get out of burning
22 buildings and to fight fires.

23 Q. Well, why--

24 A. (Lindell) I think on the one hand we
25 have the worker saying here is a serious threat to

1 safety of life and a limited ability to cope with
2 it, balanced against on the other hand his emergency
3 duty to protect the property--not life but protect
4 the property of the organization.

5 What we are saying is that in a
6 radiological emergency, that the conflict would
7 be--if there is a conflict, the choice is between
8 protecting life on the one hand and protecting life
9 on the other hand. So that is a very different
10 situation when you balance off those two factors.
11 Also, in a radiological emergency we believe that
12 families have a greater capability of taking care of
13 their own needs--that is, to evacuate or shelter
14 appropriately.

15 Q. Well, in the Texas City disaster,
16 wouldn't it be possible that if a family saw the
17 fire approaching, that that family would be
18 perfectly capable of getting out?

19 A. (Lindell) That is possible if it were
20 three or four houses down and they knew--they heard
21 sirens and knew that there was a threat, the workers
22 may well have thought that their families would be
23 capable. But we don't--I don't have any data on the
24 breakdown of workers by whether the house was on
25 fire, whether the house three doors away was on fire

1 and so forth.

2 Q. Yet those may have been the very
3 workers who nevertheless went to their families or
4 went to their homes. Correct?

5 A. (Lindell) We don't know.

6 JUDGE GLEASON: Mr. McMurray, would
7 this be a good time to take a break?

8 MR. McMURRAY: Sir, I would like to ask
9 about five minutes more of questions, maybe a little
10 more and then it would be a really logical time to
11 break.

12 JUDGE GLEASON: Proceed.

13 Q. You go on to discuss that the threat
14 assumed by Professors Barton and Turner are
15 inconsistent with the results of reactor accident
16 consequence analyses. Do you see that, Dr. Lindell?

17 A. (Lindell) Yes, I do.

18 Q. You can't assume that the bus drivers
19 know anything about consequence analyses, do you?

20 A. (Lindell) No. I don't assume the bus
21 drivers have read WASH-1400.

22 Q. In fact, it is unlikely they know
23 anything about consequence analysis, isn't it?

24 A. (Lindell) I don't know that it is
25 unlikely. I doubt if they have ever read one. It

1 is entirely possible that some information about one
2 has been disseminated through the news media and
3 that they have some kinds of expectations about what
4 would happen in a radiological emergency. Some of
5 that information may be correct. Some of it may be
6 incorrect.

7 Q. Let me go back to the point you made
8 about information. Is it your belief that bus
9 drivers would be getting emergency information
10 during the course of the emergency?

11 A. (Mileti) I believe everyone on Long
12 Island would be hearing about the emergency, that
13 EBS messages would be broadcast and bus drivers
14 certainly would have as much access to at least that
15 information as anybody else on Long Island.

16 Q. Well, do you know whether or not any of
17 the buses have radios that would pick up the
18 commercial stations broadcasting the EBS messages?

19 A. (Mileti) No, I don't. I seem to
20 recollect overhearing somebody talk about radios on
21 buses but I don't remember what they said.

22 Q. So, in the absence of such radios, then
23 the bus drivers would not be getting those EBS
24 messages. Correct?

25 A. (Mileti) No, of course not. I mean,

1 you know, there are people that have other jobs that
2 are in other places. For example, us right now, we
3 don't have radios. But the idea is that they'd get
4 the alert the way that everybody else would and hear
5 the sirens, for example, and then seek out more
6 information or find a radio.

7 Q. Would--

8 A. (Lindell) I have certainly had the
9 experience when I rode school buses as a child that
10 we carried portable radios onto the buses and got
11 reception that way.

12 Q. The question is, can you assume there
13 will be radios on the school buses?

14 A. (Crocker) Chris, if I could
15 interject--Mr. McMurray--I haven't checked every bus
16 out there. I have climbed on a fair share. A lot
17 of them--I haven't counted. But a lot of them have
18 commercial-type radios and 80 to 85 percent of them
19 have two-way radios to let them talk to their base
20 who, in turn, if you have been in a typical bus
21 dispatcher's office, there is a couple of radios
22 there. So, there is a channel for information.

23 Q. When you say--let's talk about
24 commercial radios first. You don't know what
25 proportion have the commercial radios?

1 A. (Crocker) No. I know the ones I have
2 climbed on board, which are much more modern than
3 the ones I recall from my childhood. A fair number,
4 a lot, I would guess at least half have two-way--not
5 two-way--commercial radios in the dash.

6 Q. But when the children are on board they
7 can't listen to commercial radios, can they, the
8 school bus drivers?

9 A. (Crocker) I don't know that. Having
10 heard the sirens, though, I might suspect they would
11 turn the radio on.

12 Q. Is it your understanding, then, or your
13 belief that the bus drivers would be getting the
14 full information from the EBS messages over the
15 two-way radios?

16 A. (Crocker) I said it is a possible path
17 of communication where, if their bus dispatcher did
18 have information, it is logical to believe he'd want
19 to get it to his employees. And those buses that
20 have two-way radios, roughly 80 percent, could be
21 transmitted that way.

22 Q. That assumes, again, that the bus
23 dispatcher has a commercial radio and that he is
24 listening to it and not doing other things. Right?

25 A. (Crocker) Again, the bus dispatcher

1 has probably heard the sirens and is, like a normal
2 person, seeking information. They have all received
3 the brochure--those that are inside the EPZ--that
4 tells them, when you hear sirens, turn on a radio.

5 Q. So that over those two-way radios the
6 bus driver may hear which zones are being impacted
7 and evacuate. Correct?

8 A. (Crocker) If the bus dispatcher
9 faithfully repeats it, yes.

10 Q. If he doesn't, there might be some
11 uncertainty in the bus driver's mind as to exactly
12 what zone is impacted. Correct?

13 A. (Crocker) Clearly it depends on how
14 well the bus dispatcher transmits the message.

15 MR. McMURRAY: This is a good time for
16 a break.

17 JUDGE GLEASON: We will take a
18 15-minute break.

19 (Brief recess.)

20 JUDGE GLEASON: Mr. McMurray?

21 MR. MILLER: Judge Gleason, we will be
22 beginning with page 49 of the testimony and I will
23 be handling cross-examination.

24 JUDGE GLEASON: All right.

25 MR. MILLER: On pages 49 through the

1 end of the testimony, the supplemental testimony
2 filed recently by LILCO and particular attachments
3 to the supplemental testimony and the initial
4 testimony.

5 I might point out the aspects of the
6 testimony I will be cross-examining on deal with
7 LILCO's particular plan provisions for evacuating
8 school children from the EPZ in the event of a
9 Shoreham accident and do not address the theoretical
10 aspects of role conflict that was handled earlier in
11 the testimony. For that reason and because Mr.
12 Crocker is the sole witness sponsoring this
13 testimony, with one exception towards the end, which
14 we will not get to today, I will have no problems,
15 if LILCO wants to do so, to excuse Mr. Kelly, Drs.
16 Mileti and Lindell, and just have a one-on-one
17 discussion with Mr. Crocker.

18 JUDGE GLEASON: Do you prefer to keep
19 the members of the panel with you or--

20 MR. CHRISTMAN: Let's keep them up
21 there at least until lunch. It is conceivable that
22 they may have information that would help. It is
23 unlikely. Let's keep them there.

24 JUDGE GLEASON: They want to listen to
25 you.

1 BY MR. MILLER:

2 Q. Mr. Crocker, it is you and me.

3 A. (Crocker) Good morning, Mr. Miller.

4 Q. Mr. Crocker, if I understand, you told
5 Mr. McMurray yesterday the modifications made to the
6 testimony yesterday with respect to LILCO's proposal
7 for evacuating school children all relate to LILCO's
8 decision recently made to provide an additional 21
9 buses to evacuate the Longwood School District. Is
10 that correct?

11 A. (Crocker) It depends on what you are
12 comparing, Mr. Miller. That was a significant
13 contribution. There were a few--if you are
14 comparing REV 10 to the original testimony, that is
15 right. 21 buses.

16 Q. If I understand the testimony, Mr.
17 Crocker, that change has been made by LILCO because
18 LILCO recognizes that although the Longwood School
19 District is on a split schedule, there is a window
20 of time when all schools would be in session and
21 there would not be--all students would be at the
22 schools and they would not be on the split session.
23 Is that correct?

24 A. (Crocker) Well, it is a single school
25 in that district and there is a small period of time

1 when, if I can use the term shift one and shift two,
2 where shift one is at the school, shift two arrives
3 and then shift one is brought home. So, there is a
4 period of time when you have got the full student
5 population in the building.

6 Q. You were talking about the junior and
7 middle school for the Longwood School District?

8 A. (Crocker) Yes. Junior/middle.

9 Q. Mr. Crocker, I am looking at page two
10 of the supplemental testimony. I will try to be
11 particular and precise in focusing the questions to
12 whichever piece of testimony we are going to be
13 dealing with at the time.

14 We are going to primarily discuss the
15 supplemental testimony later, but I note at the top
16 of the second page that you say Revision 10 of the
17 LILCO plan, which I believe is due in the near
18 future, was provoked because of FEMA RAC comments on
19 Revision 9 and also to address some of the concerns
20 raised by the Frye Board's decision from the
21 February 1986 exercise. Is that correct?

22 A. (Crocker) Yes, it is.

23 Q. And it is your understanding, Mr.
24 Crocker, that with respect to the school evacuation
25 issues before this Board, the parties have been

1 provided with all aspects of Revision 10 which
2 address those issues. Is that correct?

3 A. (Crocker) It addresses the school bus
4 drivers.

5 Q. So there is nothing in Revision 10
6 addressing these issues before the Board now that we
7 have not been provided with. Is that correct?

8 A. (Crocker) Not to my knowledge.

9 MR. MILLER: Judge Gleason, I hate to
10 interrupt but I meant to state at the outset, you
11 had requested we provide the court reporter with a
12 copy of the listing of the matters we were seeking
13 reconsideration of yesterday and we have done so,
14 but I should make a clarification. I amended the
15 listing that was provided yesterday by adding the
16 line numbers for those particular pages at the end
17 of the list on the first page of the list.

18 JUDGE GLEASON: All right.

19 MR. MILLER: So it would be more
20 complete. I provided all the parties and the
21 reporter with the amended version, and of course,
22 the Judges.

23 JUDGE GLEASON: Thank you. The
24 reporter has that. Thank you.

25 Q. Mr. Crocker, with respect to

1 incorporation of the FEMA RAC comments in Revision 9
2 and the preparation of Revision 10 to LILCO's plan,
3 can you tell me when LILCO learned of the rack
4 comments in Revision 9?

5 A. (Crocker) You have to understand that
6 these were not formal rack comments. FEMA's role
7 providing technical assistance to plan developers,
8 they frequently send the preliminary rack comments
9 back. So, you can discuss them and clear up
10 misunderstandings in the plan, in how they interpret
11 your plan. These were informal rack comments.

12 When did I get them? Is that the
13 question? The--let me think for a second. It was
14 early April.

15 Q. Now, are you sure, Mr. Crocker, that
16 the comments came from the FEMA rack, or did the
17 comments come from FEMA Region 2?

18 A. (Crocker) FEMA Region 2 told me they
19 came from the rack members.

20 Q. Has LILCO at this time seen the rack's
21 final comments on Revision 9 to the LILCO plan?

22 A. (Crocker) No.

23 Q. Do you have any understanding, Mr.
24 Crocker, as to when the final rack comments on
25 Revision 9 are due out?

1 A. (Crocker) If they keep to the normal
2 schedule, I would hope to see them sometime late
3 this month or in June. FEMA's going to be busy with
4 the upcoming exercise, too. That may or may not
5 delay them. I can't say.

6 Q. Your best information at this time is
7 that Revision 10 will be released to the parties and
8 to the Board this week? Is that correct?

9 A. (Crocker) I think the letter we
10 submitted yesterday said approximately a week. It
11 will be in the near future.

12 Q. So, Revision 10 will come out prior to
13 receipt of the formal final rack comments of
14 Revision 9? Is that correct?

15 A. (Crocker) Unless FEMA moves quicker
16 than they normally do, I would say that is probably
17 the correct sequence of events.

18 Q. Mr. Crocker, in your job with LILCO,
19 you essentially are in charge of revisions to the
20 LILCO plan, making those revisions? Is that
21 correct?

22 A. (Crocker) Yes. It is my staff that
23 does that.

24 Q. Can you generally describe to me the
25 scope of the revision that we are about to see

1 regarding LILCO's plan? Is it an extensive
2 revision, minor changes being made?

3 MR. CHRISTMAN: Objection. It is
4 really clarification. I assume it is limited to the
5 availability of bus drivers, not all the changes in
6 REV 10?

7 JUDGE GLEASON: What is the purview of
8 your question?

9 MR. MILLER: I am just looking at a
10 particular statement in the testimony, page two of
11 the supplemental, which says, "Revision 10 will be
12 distributed to the Board and all parties within the
13 next two weeks," which was a couple weeks ago. It
14 is a limited inquiry but I would like to know
15 something about this Revision 10 we are being told
16 about in this testimony. I would like Mr. Crocker
17 to characterize for me the scope of that revision.
18 It could bear on many matters before the Board. I
19 guess we have to wait for the revision to find out.
20 I would like to know his characterization of the
21 scope of the revision.

22 MR. CHRISTMAN: My objection is--as
23 long as the answer only goes to the changes that
24 affect the availability of bus drivers, I have no
25 objection. To the extent the question goes to all

1 other changes that come out of REV 10, I do object
2 as outside the scope.

3 JUDGE GLEASON: I believe he was trying
4 to go a little broader so I have to grant the motion
5 to that extent. You have to confine your inquiry to
6 how it affects the issue before us.

7 MR. MILLER: Judge Gleason, I will try
8 do that. Maybe at the outset we should try to reach
9 an understanding that--it has always been our
10 understanding, after six-and-a-half years litigating
11 this case, that if matters were put forth in the
12 pretrial testimony by the parties, some leeway will
13 be given to the other parties to cross-examine on
14 those matters.

15 My questioning here will be limited,
16 very limited, but there is a particular statement in
17 the testimony which talks about Revision 10. That
18 statement does not seem limited in any way to the
19 school bus driver issues. It says Revision 10 is
20 going to be issued in the next two weeks. My only
21 question at this time is can Mr. Crocker, who is in
22 charge of revisions to LILCO's plan, characterize
23 for this Board the scope of the revision we are
24 about to see?

25 JUDGE GLEASON: I have to state to you,

1 Mr. Miller, that matters beyond the bus driver issue
2 are not before us. We are trying to confine the
3 statements and the testimony to the issues before
4 us. To that extent, we will have to restrict the
5 testimony.

6 MR. MILLER: Okay. It is not a matter
7 worth fighting about, for sure, but I guess what you
8 are telling me, Judge Gleason, is if I see matters
9 set forth in the testimony which seem broader than
10 the issue before the Board and if I cannot pursue
11 questioning on those issues, then I may be moved to
12 ask the Board to strike matters from LILCO's
13 testimony. We will deal with those as they arise, I
14 guess.

15 Q. Mr. Crocker, if you would look briefly
16 at page two of the testimony, which is your
17 statement of the original testimony, which is your
18 statement of qualifications?

19 A. (Crocker) I'm sorry. Attachment A?

20 Q. Well, no. Talking about page two of
21 the testimony, which has a statement--

22 A. (Crocker) Okay.

23 Q. Which does refer to Attachment A.

24 A. (Crocker) Okay. Bear with me a
25 moment. I am back on page one of the supplemental

1 testimony?

2 Q. No. Page two of the testimony.

3 A. (Crocker) Oh, okay. Be patient, Mr.
4 Miller. I get a little confused at times.

5 Q. I am a patient man.

6 A. (Crocker) I am with you now.

7 Q. Mr. Crocker, it is fair to say that in
8 your role as manager of the nuclear emergency
9 preparedness division for LILCO, that you and your
10 staff are in charge of any and all matters relating
11 to the evacuation of school children from the EPZ in
12 the event of a Shoreham accident. Is that correct?

13 A. (Crocker) We serve that function for
14 LILCO, my group.

15 Q. In that capacity, you would work with
16 the school districts if there is work to be done
17 with the school districts. Is that correct?

18 A. (Crocker) Yes.

19 Q. And the bus companies that service the
20 school districts, is that correct?

21 A. (Crocker) Yes.

22 Q. And other bus companies that are relied
23 upon by LILCO to implement its proposal for
24 evacuating the schools in the event of a Shoreham
25 accident. Is that correct?

1 A. (Crocker) Yes.

2 Q. You would be in charge of any training
3 matters relating to LILCO's new school proposal? Is
4 that right?

5 A. (Crocker) That's correct.

6 Q. And those training matters would
7 include, I suppose, up to and including the
8 preparation for FEMA exercises. Is that right?

9 A. (Crocker) That's right.

10 Q. Mr. Crocker, by training and
11 background, is it fair to say you are an engineer?

12 A. (Crocker) If you'd use one word to
13 characterize it, I would use engineer.

14 Q. Also, Mr. Crocker, with respect to your
15 role on this panel, other than as a fact witness to
16 testify about LILCO's proposal for evacuating the
17 school children, is it fair to say that you sit on
18 this panel as a witness for LILCO which is able to
19 speak for the company with respect to positions and
20 policy matters?

21 A. (Crocker) Yes.

22 MR. CHRISTMAN: I think I object to the
23 characterization of this witness as a fact witness.
24 I believe he is an expert witness.

25 JUDGE GLEASON: Well, we know what he

1 is so--

2 MR. CHRISTMAN: Okay.

3 A. (Crocker) My answer was yes.

4 Q. Mr. Crocker, you have been manager of
5 the nuclear emergency preparedness division for
6 about a year? Is that right?

7 A. (Crocker) Almost two years.

8 Q. Would you look Attachment A--

9 A. (Crocker) Certainly.

10 Q. --to your testimony, which is your
11 statement of qualifications.

12 There is a section entitled "Detailed
13 Experience Record, Douglas M. Crocker."

14 A. (Crocker) Page three?

15 Q. Yes.

16 A. (Crocker) I have that.

17 Q. In the first--well, the second
18 paragraph, the fourth line down, you talk about the
19 3,600 member emergency response organization, which,
20 of course, is LERO. Correct?

21 A. (Crocker) No. I think when this was
22 prepared we lumped together both LERO and the
23 on-site emergency preparedness organization, which
24 adds seven or eight hundred people to the total.

25 Q. Does the number 3,600 include the LERO

1 workers who have been recruited to serve as LERO
2 school bus drivers?

3 A. (Crocker) We wrote this during the
4 time when we were recruiting and training. I would
5 have to say this includes a portion of them but it
6 doesn't capture all of them.

7 Q. Is it fair to say, Mr. Crocker, that
8 with respect to LERO, the off-site response
9 organization, that LILCO's proposal to use its own
10 employees to drive school buses increased the size
11 of LERO by about 25 percent?

12 A. (Crocker) I am trying to do the
13 calculation. Bear with me.

14 It added roughly 600 people to the
15 organization, and the original size of the
16 organization was roughly in the 2,800, 2,700 range.
17 So, whatever arithmetic that works out to be.

18 Q. Mr. Crocker, between May 1986 and July
19 1986, this statement indicates that you supervised a
20 staff of about 12 LILCO consultant personnel, but as
21 of the present time your staff has increased to
22 about 45 persons. Is that correct?

23 A. (Crocker) Actually, right now it is
24 higher than that.

25 Q. Can you just tell me the reasons for

1 such an increase in the size of your staff?

2 A. (Crocker) Well, first, the 12 you
3 allude to was based on supervising a section that
4 was responsible only for off-site LERO activities.
5 When I was promoted to manager I had that section
6 plus the on-site section. So I had two groups
7 underneath me now, not just the one. That partially
8 explains the increase.

9 Further, as we ran through the
10 hearings, the exercise hearings, and we started
11 preparing for the anticipated next exercise, we
12 started cranking up our staff again. That is how I
13 reached this number plus a little more.

14 Q. What is a more accurate number for the
15 staff under your supervision at this time?

16 A. (Crocker) As you can imagine, with
17 hearings and the exercise coming up, it has been
18 very busy. I would say 55, but there is some plus
19 or minus in that number.

20 Q. You were building an empire, sir.

21 A. (Crocker) My boss hates the expenses.

22 Q. Let's go to page 49.

23 Mr. Crocker, page 49 is essentially
24 your brief overview of the LILCO proposal for
25 evacuating school children. Let me ask you at the

1 outset, could you describe for me why LILCO went to
2 the concept of a one-wave evacuation of school
3 children?

4 A. (Crocker) Yes. Conceptually it is
5 quite simple. We wanted to evacuate the children in
6 a time frame comparable to the evacuation of the
7 general public and we wanted to have each bus make
8 one trip. Those are primarily the factors. We
9 wanted to do it swiftly enough so that we get people
10 out--school children out by the same time frame as
11 the public.

12 Q. So it is fair to say the motivating
13 goal here was to lower the evacuation time for
14 school children from the EPZ?

15 A. (Crocker) Clearly, if you have to make
16 more than one trip with each bus the time elements
17 go up.

18 Q. Mr. Crocker, for a number of years
19 prior to October of 1987, when LILCO first announced
20 this proposal to go to a one-wave concept, LILCO
21 relied on a multiple-wave evacuation implemented by
22 the school districts themselves. Is that correct?

23 A. (Crocker) I wasn't involved in the
24 school planning then, but I will give you my
25 rudimentary understanding of the prior position.

Essentially, my understanding was that
2 schools had to have emergency plans of their own for
3 other reasons, not radiological emergencies, plans
4 for evacuating their school systems. And we relied
5 on those plans. It was our position if they did not
6 have sufficient buses for one wave, then I guess you
7 have to assume it is a multiple wave.

8 Q. What is it that prompted this change in
9 October 1987 to go away from that understanding of
10 what the school districts themselves would do to
11 this proposal to use LILCO employees, if necessary,
12 to evacuate school children in a one-wave
13 evacuation?

14 A. (Crocker) Quite candidly, it was a
15 desire to win the issue and get a license for the
16 plant.

17 Q. What issue are you referring to?

18 A. (Crocker) This issue here.

19 Q. This issue is what LILCO refers to as
20 the role conflict issue of school bus drivers.
21 Correct?

22 A. (Crocker) It was remanded and we knew
23 we would have to litigate it. We decided this would
24 be the best way to insure that we win.

25 Q. I am assuming, Mr. Crocker, LiLCO

1 itself had and has some concerns about whether
2 regular school bus drivers would in fact show up in
3 the event of a Shoreham emergency to transport
4 school children. Is that correct?

5 A. (Crocker) No. As it says in the
6 testimony, we believe they will show up. But to
7 remove any lingering doubt that might be in the
8 minds of the Board, we went the extra step to
9 provide these backup drivers. Plus, we wanted to do
10 it in a single wave and we did have to provide
11 drivers to do that.

12 Q. It is my understanding, Mr. Crocker,
13 that in order to have a single-wave school
14 evacuation under any circumstances, even if every
15 single regular school bus driver reports for duty,
16 LILCO employees would be needed to drive school
17 buses. Is that correct?

18 A. (Crocker) That is right. To make up
19 the additional number of drivers needed to
20 accomplish a single wave, we would use our own LERO
21 drivers.

22 Q. And if my numbers are right, you need
23 approximately 208 LILCO employees to drive the
24 school buses even if every regular school bus driver
25 shows up in the event of a Shoreham accident?

1 A. (Crocker) Well, we will need 208. It
2 doesn't matter whether every regular school bus
3 driver shows up because we provide backups for
4 those, too. But the primary drivers, yes, there are
5 208.

6 Q. At a minimum, if each and every regular
7 school bus driver shows up and drives his or her
8 bus, LILCO would have 208 employees of its own also
9 driving school buses?

10 A. (Crocker) That's correct.

11 Q. The very first line of the testimony on
12 page 49 Mr. Crocker makes clear what you just told
13 me, that LILCO believes the regular school bus
14 drivers will do their jobs in an emergency.

15 Let me ask, has LILCO ever attempted to
16 determine whether, in fact, regular school bus
17 drivers will show up in the event of a Shoreham
18 emergency?

19 A. (Crocker) We have met with school bus
20 drivers and their school bus company management, and
21 we get a sense from discussions with them that a
22 fair number of them will respond, they are
23 interested in training. We haven't gone out and
24 interviewed every single one of them, no. But we do
25 have some indication that a significant number will

1 respond.

2 Q. Now, you have never conducted a survey
3 of the regular school bus drivers within the EPZ.
4 Is that correct?

5 A. (Crocker) No, I have never conducted
6 any behavioral survey like that. No.

7 Q. When I say "you," I am, of course,
8 referring to LILCO.

9 A. (Crocker) I understand.

10 Q. LILCO has not done so. Correct?

11 A. (Crocker) I don't believe we have.

12 Q. Now, Mr. Crocker, you just told me that
13 LILCO has met with some school drivers and some
14 management personnel of the bus companies and you
15 have this indication that a significant number of
16 bus drivers would respond in the event of an actual
17 accident at Shoreham.

18 Just give me the rough figures. How
19 many school bus drivers do you think you have met
20 with? I am talking about actual drivers you have
21 met with.

22 A. (Crocker) I understand. Again, when
23 you say "you," I assume you mean LILCO.

24 Q. I always mean LILCO. All my questions
25 mean LILCO.

1 A. (Crocker) My staff--let me see if I
2 can find what they gave me.

3 This is an ongoing process that
4 started, I guess, early April. I am going to toss
5 out some numbers here. One company, we met with 60.
6 Another company, we met with 21. Another company
7 gives the number 12 we met with. At the same
8 company we have given letters and fliers to 129 of
9 the drivers, but I can't say we have met with them
10 all.

11 At another company, they all have
12 received the letters. Three companies we have not
13 met with are Adlewerth, Riverhead and Harborview. I
14 explained the reasons for that yesterday. I don't
15 have more precise numbers than that.

16 Q. Mr. Crocker, are there seven bus
17 companies, to your knowledge, that service school
18 districts within the EPZ?

19 A. (Crocker) Yes. There are seven
20 principal companies.

21 Q. What you are telling me is that you
22 have met with four of those companies. Correct?

23 A. (Crocker) That's right. We have tried
24 to talk to the other three but they were--in fact,
25 one is technically not a company. It is the

1 Riverhead School District itself that happens to own
2 its own buses.

3 Q. You told me you met with 60 from one
4 company, 21 from another, 12 drivers from a third
5 company. What about the fourth company? How many
6 drivers from that company?

7 A. (Crocker) My notes don't indicate. I
8 don't know. I can't tell from what I have got here.

9 Q. To your knowledge at this time, then,
10 Mr. Crocker, LILCO personnel have met with
11 approximately 93 drivers?

12 A. (Crocker) If that is what the numbers
13 add up to, yes.

14 Q. Adding 60, plus 1 plus 12.

15 A. (Crocker) I will trust your math.

16 Q. Your testimony reflects that to your
17 knowledge there were about 301 regular school bus
18 drivers within the EPZ. Is that correct?

19 A. (Crocker) That's right.

20 Q. Now, is it your understanding, Mr.
21 Crocker, that as these 93 drivers LILCO has met
22 with, they have all indicated that they would report
23 for duty in the event of a Shoreham accident to
24 transport school children?

25 A. (Crocker) No, that is not my

1 understanding.

2 Q. Can you tell me how many have indicated
3 that, specifically indicated that to LILCO
4 personnel?

5 A. (Crocker) I can tell you how many have
6 agreed to go into training. Those are the numbers
7 we talked about yesterday. We kept no tally--we
8 didn't even attempt to--of how many said, "Yes, I
9 would respond in a real emergency." That question
10 was never asked. We never did that kind of survey.

11 Q. How many have agreed to training?

12 A. (Crocker) This recapitulates what I
13 said yesterday. We have 18--you have to add these
14 as we go along. 18, 9, 2, and that is it so far.
15 Like I say, we are in the middle of this, so returns
16 are coming in daily.

17 Q. Well, at the present time, Mr. Crocker,
18 just to put the gloss on this, I suppose, there is
19 301 regular school bus drivers to your knowledge
20 within the EPZ. LILCO has met with 93 of the 301
21 drivers and 29 of those 93 drivers have indicated
22 they will accept LILCO training. Is that a fair
23 synopsis?

24 A. (Crocker) Those numbers are accurate.
25 It implies that the rest of those 93 do not want

1 training. That is not true. We just haven't heard
2 back from some of them yet.

3 Q. I didn't mean to imply anything. I am
4 just trying to get an understanding of the numbers.

5 A. (Crocker) Your numbers are right.

6 Q. With those numbers before us, Mr.
7 Crocker, it is your testimony to this Board that a
8 significant number of school bus drivers within the
9 EPZ have indicated to LILCO that they would respond
10 in the event of a Shoreham accident. Is that your
11 testimony?

12 A. (Crocker) Without quantifying
13 "significant," what they are telling my staff is,
14 "Yeah, for the most part we will drive." There are
15 some people that say they will not. What the
16 numbers are, I can't tell you.

17 Q. I just never have seen the term
18 significant used when we are talking about less than
19 10 percent. We are talking about less than 10
20 percent of the bus drivers and to you that is a
21 significant number of bus drivers that have said
22 they will show up in the event of a Shoreham
23 accident and drive--

24 A. (Crocker) You are mixing apples and
25 oranges. The 10 percent number refers to those who

1 responded affirmatively to the offer for training.
2 In conversations my staff has had with groups of bus
3 drivers, there has been more people that indicated,
4 "Yes, we will drive." Whether we want training,
5 that may be something else. Some of the drivers
6 have expressed concerns about being punished for
7 taking the training. They worry about retaliation.
8 It's true. I don't believe it. It is hard to
9 believe. That is what they tell us. They say,
10 "Yeah, we will try, but leave me alone in the mean
11 time."

12 Q. You think it is higher than 29, based
13 on conversations with LILCO personnel and the school
14 bus drivers?

15 A. (Crocker) Based on my staff talking
16 with bus drivers, yes.

17 Q. Is this documented anywhere, these
18 conversations?

19 A. (Crocker) Other than my staff
20 reporting to me on a routine basis, I haven't
21 seen--I haven't seen any paper on it.

22 Q. Mr. Crocker, if I understand what Ms.
23 Taylor told me during a break this morning, in
24 response to questions from Mr. McMurray, you
25 indicated that you have either read Suffolk County's

1 testimony on the school bus issues before this Board
2 or you have looked at the deposition transcripts of
3 the county witnesses. Is that correct?

4 A. (Crocker) Yes. He asked me if I had
5 read the testimony. I know I have read something by
6 those people. I do not recall which one of the
7 documents it was. The substance was probably pretty
8 much the same.

9 Q. If it was the deposition transcripts
10 that you looked at, to your knowledge, did you look
11 at all the deposition transcripts?

12 A. (Crocker) I doubt that I have looked
13 at all of them. There is a fair pile of them.

14 Q. But at this time, you can't recall
15 whether it was the depositions or the testimony?

16 A. (Crocker) Frankly, it's blurred in my
17 memory.

18 Q. Mr. Crocker, are you at least generally
19 aware of the results of the 1982 school bus driver
20 survey conducted by Professor Cole, who is one of
21 the witnesses for Suffolk County that will be
22 testifying on these issues?

23 A. (Crocker) I have heard reference to
24 it. You will have to refresh my memory as to the
25 substance.

1 Q. Well, in a nutshell, Mr. Crocker,
2 Professor Cole's survey in 1982 indicated
3 approximately 70 percent of the regular school bus
4 drivers surveyed, would not respond in the event of
5 a Shoreham emergency until they had first taken care
6 of their families.

7 A. (Crocker) How many did he survey?

8 Q. I am asking you if you have any
9 recollection of that survey or the results of that
10 survey.

11 A. (Crocker) I don't recall the number
12 "70 percent." Like I said, I have heard reference
13 to the survey. That goes to that issue of
14 predictive basis for polls. It is not my field.

15 Q. Are you aware at least generally, Mr.
16 Crocker, of the 1982 firemen survey conducted by
17 Professor Cole and the 1988 survey of the same sort
18 of emergency personnel?

19 A. (Crocker) The first was part of the
20 basis for the remand, I thought, and should be
21 included in the record. I have heard that there was
22 a poll conducted recently by Cole. I don't know
23 that I saw the results.

24 Q. You are at this time not sure whether
25 you have been made aware of the results of those

1 surveys?

2 A. (Crocker) I think someone--I hesitate
3 to say this, but my impression is someone told me
4 the results were comparable in the two polls, but
5 that is an impression I have.

6 Q. Are you aware, Mr. Crocker, of a 1983
7 survey conducted by the Middle Country School
8 District, which indicated that 59 of 62 bus driver
9 respondents said they would not report in the event
10 of a Shoreham emergency until they had first cared
11 for their families?

12 A. (Crocker) I don't recall that one.

13 Q. Is it fair to say, Mr. Crocker, that
14 you are at least generally aware of the position put
15 forth by Suffolk County to this Board regarding role
16 conflict that would likely be experienced by regular
17 school bus drivers and, therefore, the inability of
18 the school districts to transport their children in
19 the event of a Shoreham emergency?

20 A. (Crocker) I think I have a reasonable
21 grasp of what your position is, yes.

22 Q. Now, I think we have established, Mr.
23 Crocker, that to carry out a single-wave evacuation
24 of the EPZ school districts, and I think here we are
25 talking about the public schools, the parochial

1 private schools and the nursery schools within the
2 EPZ, would require approximately 509 drivers and
3 buses. Is that correct?

4 A. (Crocker) Yes.

5 Q. And the testimony, Mr. Crocker, before
6 modified yesterday, on page 50, where the number was
7 488, that was simply the number without the 21
8 additional drivers needed for the Longwood School
9 that we talked about earlier today. Is that
10 correct?

11 A. (Crocker) That's correct.

12 Q. Mr. Crocker, I guess we should maybe
13 make sure we have an understanding of terms because
14 they are used throughout the testimony with respect
15 to how we characterize these bus drivers. A regular
16 school bus driver, a term which is used by you,
17 refers to a school bus driver under contract or
18 employed by a school district within the EPZ. Is
19 that correct?

20 A. (Crocker) Yes. It's essentially a
21 person who drives a school bus for a living in the
22 EPZ.

23 Q. Now, a backup LERO school bus driver is
24 a LERO or LILCO employee who would be assigned to
25 report to bus yards that normally service the EPZ

1 schools, to drive a bus in the event of a Shoreham
2 emergency, in the event that the regular school bus
3 drivers did not report for duty. Is that correct?

4 A. (Crocker) That's correct.

5 Q. And a primary LERO school bus driver,
6 would be a LILCO employee who would report to a bus
7 yard not normally servicing an EPZ school, to pick
8 up the bus and help evacuate schools within the EPZ.
9 Is that correct?

10 A. (Crocker) Yes. They drive those extra
11 buses required to accomplish the one-wave
12 evacuation.

13 Q. So, the primary LERO bus drivers, no
14 matter what the circumstances, no matter how many
15 regular school bus drivers report for duty, would
16 report to the bus yard, pick up a bus and be
17 involved in an evacuation of EPZ schools under
18 LILCO's proposal?

19 A. (Crocker) Yes, that's right.

20 Q. The math, Mr. Crocker, if there are 509
21 drivers needed all together to implement a
22 single-wave evacuation, you have a one-for-one
23 relationship between the backup LERO drivers and the
24 regular school bus drivers, so there are 301 backup
25 LERO school bus drivers. Correct?

1 A. (Crocker) That's correct.

2 Q. And there would be 208 primary LERO
3 school bus drivers needed, although I believe your
4 testimony is that there will be 312 such drivers
5 trained in order to have an overstaffing of some
6 sorts?

7 A. (Crocker) Yes. We filled in an extra
8 50 percent in that area to make sure we have
9 sufficient drivers.

10 Q. So, altogether it is your intention,
11 LILCO's intention, to have 613 LERO school bus
12 drivers trained and able to respond in the event of
13 a Shoreham accident?

14 A. (Crocker) Yes, it is.

15 Q. Under LILCO's proposal to evacuate
16 these school children, Mr. Crocker, it is assumed
17 that the school districts would permit the school
18 children to board buses driven by LILCO employees.
19 Is that a fair statement?

20 A. (Crocker) Yes, it is.

21 Q. Now, he explored some of these matters
22 during discovery, including admission request and
23 interrogatories and at your deposition. But it is
24 my understanding, Mr. Crocker, that LILCO has not
25 approached the school districts within the EPZ and

1 sought the consent of those school districts to this
2 new proposal bill for LILCO to evacuate school
3 children. Is that a fair statement?

4 A. (Crocker) No, I don't think it is a
5 fair statement. For example, we have talked to the
6 Wading River School District and they have agreed to
7 it. They have no difficulty with it at all.

8 Q. There are 10 EPZ school districts. Is
9 that correct?

10 A. (Crocker) It is roughly that number.
11 I have to count to be sure. Let's accept 10 for the
12 moment.

13 Q. Now, Shoreham-Wading River, Mr.
14 Crocker, is a school district just mentioned to me.
15 Are there any other school districts that have
16 indicated to LILCO that they would agree to this
17 proposal to evacuate school children using LILCO
18 employees?

19 A. (Crocker) Yes. It is a little school
20 district. It is called Little Flower. It is not a
21 major public-- but for technical accuracy, yes,
22 Little Flower School District has also agreed.

23 Q. Little Flower School District, I get
24 confused on that. I believe in some cases it is
25 treated as a special facility by LILCO and in other

1 cases as school district.

2 A. (Crocker) That's right.

3 Q. In any event, it has approximately 80
4 students; is that correct?

5 A. (Crocker) Like I said, it is very
6 small and it is officially a school district, so to
7 answer your question properly, I have to throw it in
8 the pot.

9 Q. There is Little Flower and its 80
10 students and then there is Shoreham-Wading River.
11 Shoreham-Wading River has approximately 1,500
12 students, does that sound about right?

13 A. (Crocker) Let me look.

14 You said 1,500 for Shoreham-Wading
15 River. I get a number slightly in excess of 2,000.

16 Q. That is fine. We have 2,000 or so from
17 Shoreham-Wading River and 80 from Little Flower. To
18 your knowledge, those are the only two school
19 districts that have said to LILCO, "We would agree
20 to the proposal you have come up with to evacuate
21 the school children in the event after Shoreham
22 accident." Correct?

23 A. (Crocker) Yes.

24 Q. By your testimony, Mr. Crocker, there
25 are approximately 28,000 school children within the

1 EPZ that would need to be evacuated. Is that right?

2 A. (Crocker) Yes, that's right.

3 Q. Mr. Crocker, it is my understanding
4 that the training of the LERO school bus drivers,
5 the LILCO employees who would drive the school
6 buses, is at this time still ongoing. Is that
7 right?

8 A. (Crocker) That's correct.

9 Q. Of course, I gather in LILCO's opinion,
10 one of the key elements of that training will be to
11 make sure that sufficient numbers of the LERO
12 workers obtain their class two licenses so they, in
13 fact, can drive the buses?

14 A. (Crocker) Yes. It is very useful to
15 be able to drive a bus legally. It is a key factor.

16 Q. How many at this time, Mr. Crocker, of
17 the 613 LERO workers that will be school bus drivers
18 under LILCO's plan, have obtained their class two
19 license?

20 A. (Crocker) As of--the report is dated
21 May 12th. We have 558 drivers that have passed the
22 road tests. Technically, that is not getting
23 licensed. You don't have your license until it is
24 amended later on--

25 JUDGE GLEASON: Excuse me. What does

1 that mean? I'm sorry.

2 WITNESS CROCKER: Essentially, Mr.
3 Miller asked me do they have their license yet.

4 JUDGE GLEASON: I understand what he
5 asked you. What is the technical thing you are
6 referring to?

7 WITNESS CROCKER: You pass your road
8 test and then paperwork gets submitted to Motor
9 Vehicle and then it comes back and you have your
10 license. It is called a license amendment. They
11 amend your license from, say, class five to class
12 two, class two being what you need to drive a school
13 bus.

14 So we have had 558 pass the road test.
15 486 have the license amended and can show you today
16 a class two license in their possession. The
17 difference are in the paper mill somewhere.

18 JUDGE GLEASON: Thank you.

19 Q. I gather from what you are telling me,
20 Mr. Crocker, the road test is the last step except
21 for the paperwork, the written test has all been
22 taken care of as well?

23 A. (Crocker) Yes. All those precede the
24 road test.

25 Q. Mr. Crocker, a minute ago you made an

1 interesting statement. You said that it is, of
2 course, helpful if the LERO drivers can legally
3 drive a bus.

4 Has LILCO, to your knowledge, looked at
5 the issue of whether the proposal to evacuate school
6 children using LILCO employees is itself legal?

7 JUDGE GLEASON: Excuse me. Would you
8 mind rephrasing that question? I am not certain I
9 understood it.

10 MR. MILLER: Sure, Judge Gleason. I am
11 asking Mr. Crocker if LILCO has looked at the issue
12 as to whether the proposal to use LILCO employees to
13 evacuate school children is, itself, legal under New
14 York State law.

15 A. (Crocker) Before we committed to such
16 an obviously large commitment of resources, 600 odd
17 LILCO people, for example, this was run by the
18 company's general counsel and they had no
19 objections.

20 Obviously, Hunton & Williams had an
21 input as well. Our sense is that it is legal. I
22 don't know if I have ever seen a document that says
23 this is legal. My sense is, it is. Certainly the
24 schools have no problem with it, those that talk to
25 us.

1 Q. You are referring again to Little
2 Flower and Shoreham-Wading River School Districts?

3 A. (Crocker) Agreed.

4 Q. Are you aware, Mr. Crocker, that under
5 New York State law, the school districts themselves,
6 and in particular, school superintendents, must
7 approve drivers of vehicles that transport school
8 children?

9 A. (Crocker) No. I am not aware of that.

10 Q. If there is such a requirement under
11 New York State law, Mr. Crocker, and if, from what
12 you have told me, LILCO has not received consent
13 from any of the school districts except perhaps
14 Shoreham-Wading River and Little Flower, would you
15 agree with me that that is an issue that should be
16 looked at by LILCO as to whether the proposal to
17 evacuate school children using LILCO employees is,
18 in fact, legal?

19 MR. CHRISTMAN: Objection. Assumes a
20 fact not in the record.

21 MR. MILLER: It is a hypothetical
22 question, Judge Gleason, because the witness has
23 told me he wasn't himself sure of the state law
24 requirements. I am putting that hypothetical
25 question before the witness, asking him to make that

1 assumption and then asking for his opinion.

2 JUDGE GLEASON: State your opinion,
3 please.

4 A. (Crocker) Was the question should we
5 be looking at it? I'm sorry, Mr. Miller.

6 Q. Without going back to the reporter, let
7 me try to state the question again, Mr. Crocker.

8 I think my question is that given the
9 fact that LILCO has only discussed the issue of
10 whether the school districts themselves would
11 consent to the proposal to evacuate school children
12 using LILCO employees--that issue has only been
13 discussed of two of the school districts within the
14 EPZ--and given my statement to you that you should
15 assume that under New York State law the approval of
16 the school districts and school superintendents is
17 required for anyone transporting school children,
18 would you agree with me that there is an issue as to
19 whether LILCO's proposal to evacuate these school
20 children is, in fact, legal?

21 MR. CHRISTMAN: Objection. Calls for a
22 legal conclusion.

23 JUDGE GLEASON: I think you will have
24 to rephrase that question. That does call for a
25 conclusion.

1 Q. Do you believe, Mr. Crocker, that there
2 is a need for LILCO to seek the consent of the
3 school districts with the EPZ other than Little
4 Flower and Shoreham-Wading River?

5 A. (Crocker) I think prior consent would
6 be desirable but it is not essential, no.

7 Q. What is the basis for your statement
8 that it would not be essential to have such prior
9 consent?

10 A. (Crocker) Well, it is my sense as a
11 planner that in the time of an emergency a--I will
12 characterize this requirement as a nit as this
13 point.

14 This nit could hardly stand in the way
15 of a school administrator using an available
16 resource with qualified drivers to protect the kids
17 that are in his charge or responsibility. I think
18 it is one of those concerns that I think, as Dr.
19 Lindell and Mileti said, kind of get discarded in
20 the heat of battle.

21 Q. Mr. Crocker, I am aware of the fact you
22 are not sure if you have read our testimony. The
23 school officials themselves can make clear their
24 positions to the Board as to why you believe they
25 would take exception to your word "nit" in this

1 regard.

2 But what you are telling me, I gather,
3 is that if there are available resources and if
4 there are qualified drivers, there would be no
5 reason for the school districts to have concerns
6 with respect to the drivers transporting the school
7 children?

8 A. (Crocker) The buses are acceptable.
9 They are used every day for this purpose. The
10 drivers are certified by New York State as being
11 capable to drive the buses. We asked that schools
12 provide teachers or administrators to go on the
13 buses to help supervise the children. Given those
14 elements, I am not sure--if I were in that position,
15 I would not refuse to use that resource.

16 Q. Your statement, Mr. Crocker, is based
17 on the assumption that, number one, LILCO would be
18 supplying qualified drivers and, number two, LILCO
19 would have sufficient number of buses to carry out
20 this proposal and, number three, that there would be
21 teachers or other school personnel to accompany the
22 LILCO drivers on the buses. Is that correct?

23 A. (Crocker) The issue of driver
24 qualifications, New York State has, by giving them a
25 license, has certified they are competent to drive a

1 bus. So that is not an assumption but a fact.

2 Q. To drive a bus--

3 A. (Crocker) School bus.

4 Q. Are you aware there are qualifications
5 and requirements for driving a school bus which
6 exceeded the mere obtaining of a class two license?

7 A. (Crocker) We put our people through
8 the same training program--in fact, we have a school
9 bus company come in to do it, that provides the same
10 training to our people as their drivers get to drive
11 children to and from school.

12 Q. Do your bus drivers, Mr. Crocker,
13 actually drive buses loaded with school children
14 supervised by other personnel that are experienced
15 bus drivers?

16 A. (Crocker) No, we do not--

17 Q. You do not do that?

18 A. (Crocker) We do not drive children
19 around. We don't gather children up and load them
20 on a bus.

21 Q. Are you aware of the fact, Mr. Crocker,
22 that's a requirement imposed by the school districts
23 within the EPZ, as will be testified to to this
24 Board next week?

25 A. (Crocker) It may be something the

1 school districts required. I thought you were
2 talking about New York State requirements.

3 Q. And it is your understanding that New
4 York State does not make such a requirement?

5 A. (Crocker) No. I was just contrasting
6 the two questions you asked me. I am not sure what
7 New York State requires in that regard.

8 Q. So, it is your understanding that your
9 drivers will be qualified because they will have a
10 class two license. Is that a fair statement?

11 A. (Crocker) Yes. Certainly.

12 Q. And you understand that you will have a
13 sufficient number of resources, meaning buses, to
14 carry out the proposal. Is that correct?

15 A. (Crocker) That's right.

16 Q. And you believe that the teachers will
17 accompany the bus drivers because LILCO will request
18 they do so. Is that correct?

19 A. (Crocker) Yes.

20 Q. Let's talk about this last one first.
21 With respect to teachers accompanying
22 school personnel on the buses, your understanding,
23 Mr. Crocker, is based upon the fact that you do not
24 believe the teachers would experience role conflict
25 or other reasons that would keep them from boarding

1 those buses?

2 MR. CHRISTMAN: Objection. That is
3 outside the scope.

4 MR. MILLER: I am just following up on
5 what the witness told me.

6 MR. CHRISTMAN: You are following up
7 outside the scope.

8 JUDGE GLEASON: It is outside the
9 scope.

10 MR. MILLER: If it is, the witness has
11 to be instructed not to talk about it. He gave me
12 his reasons and if that is one of the reasons--

13 JUDGE GLEASON: Would you ask the
14 question again, please? I thought you were
15 referring--

16 MR. MILLER: I would be glad to ask the
17 question again. But Mr. Crocker's previous answer
18 included the fact that LILCO believes school
19 teachers or other personnel will accompany children
20 on the buses. I asked him the basis for the belief
21 and whether that is because he assumes they would
22 not experience role conflict or other reasons that
23 would keep them from boarding the buses.

24 JUDGE GLEASON: Did he respond to that?

25 MR. MILLER: I don't believe he has.

1 MR. CHRISTMAN: The objection is you
2 talked about role conflict in teachers, which was
3 litigating four years ago.

4 JUDGE GLEASON: My ruling stands. The
5 area of role conflict in school teachers is outside
6 of the scope of the contention. We spent some time
7 this morning discussing that.

8 MR. MILLER: I understand the ruling,
9 Judge Gleason. I don't want to quibble. But if the
10 witness gives me a statement, if he gives me a list
11 of reasons as to why he believes something, I must
12 be entitled to pursue it--

13 JUDGE GLEASON: All he indicated, if I
14 understood him correctly, is that school teachers,
15 it is part of their plan to have school teachers
16 accompany the children on the bus, et cetera.

17 MR. MILLER: He said LILCO will assume,
18 because LILCO will ask the teachers to do so, that
19 the teachers will get on the buses and travel with
20 the children.

21 Q. Let me ask this question. What is the
22 basis for that assumption by LILCO, Mr. Crocker?

23 A. (Crocker) The basis is what my staff
24 tells me they have covered with Shoreham-Wading
25 River and Little Flower, that they would, in fact,

1 send their administrators or teachers on the buses.

2 Q. So, we are back to the same two school
3 districts, back to the statement 2,000 or so school
4 children in a population of over 28,000 children in
5 the EPZ. Have any other school districts within the
6 EPZ indicated to you, to LILCO, that their
7 personnel, including teachers, would board buses and
8 travel with the school children?

9 MR. CHRISTMAN: Objection. I have
10 another reason for this. Mr. Miller will remember
11 that four years ago we litigated the issue of school
12 teachers accompanying their charges in an evacuation
13 and whether there would be enough people. And this
14 Board resolved that issue. I believe one of the
15 points made was that these schools have enough
16 people that they can consolidate classes and do
17 whatever necessary to get one teacher per bus.

18 JUDGE GLEASON: I recall reading that
19 testimony. That is correct.

20 MR. MILLER: Judge Gleason, I have a
21 fact question to the witness, which is have any of
22 these other school districts indicated in anyway to
23 LILCO personnel that their school personnel,
24 including teachers, would board the buses and ride
25 with the school children? The witness has just told

1 me two school districts have told LILCO personnel
2 they think their teachers would do that and they,
3 therefore, LILCO, draws the conclusion these persons
4 would board the buses. Have any other school
5 districts told them this?

6 JUDGE GLEASON: Let him respond to the
7 question. I understand what you are saying.

8 A. (Crocker) The answer is, not that I am
9 aware of. Not to my knowledge.

10 Q. Mr. Crocker, with respect to available
11 resources, meaning the buses, is it fair to say that
12 it is assumed by LILCO's new school plan that the
13 buses under contract to school districts would be
14 made available for LILCO's use in the event of a
15 Shoreham accident assuming regular school bus
16 drivers do not report for duty?

17 A. (Crocker) We intend to rely on those
18 school buses. Yes.

19 Q. So, it is assumed that they would be
20 made available to LILCO by the school districts.
21 Correct?

22 A. (Crocker) Yes. We expect the school
23 districts to let us use those buses.

24 Q. Now, at this time, Mr. Crocker, have
25 any school districts indicated to LILCO that they

1 would, in fact, make their buses available to LILCO
2 to implement this school evacuation procedure?

3 A. (Crocker) The same answer as to the
4 other question. My understanding is that
5 Shoreham-Wading River said, "Yes." Little Flower
6 doesn't have buses so they don't go into that one.

7 Q. So, Shoreham-Wading River has said they
8 would make their buses available. None of the other
9 school districts--

10 MR. BACHMANN: Judge Gleason--

11 MR. MILLER: Excuse me. I would like
12 to ask the question.

13 MR. BACHMANN: I would object to the
14 line of questioning. The Board specifically ruled
15 the number of buses available would be precluded
16 from being questioned on and tried at this hearing.
17 We have been going on now a number of minutes. The
18 Board's February 23, 1988 memorandum and order, the
19 availability of buses was precluded and was kept out
20 of this particular part of the issue.

21 MR. CHRISTMAN: I will second the
22 objection.

23 MR. MILLER: I would appreciate counsel
24 not interrupting my question. The objection can be
25 made when the question is finished.

1 JUDGE GLEASON: I think you ought to
2 let him ask the question before making objections.
3 Go ahead.

4 Q. My question, Mr. Crocker, is, is it a
5 fact that at this time, with the exception of
6 Shoreham-Wading River, no other EPZ school district
7 has indicated to LILCO that buses would be made
8 available for LILCO's use to implement this school
9 evacuation procedure?

10 JUDGE GLEASON: Let me say that I
11 understand your objection raised. I deny the
12 objection. We are not litigating that issue. He is
13 just asking, for whatever purposes he is asking--we
14 are not going to have that within the issues we can
15 resolve in connection with this issue. So, he can
16 respond to that as a factual matter.

17 MR. BACHMANN: I would just like to
18 repeat my objection for the record, sir. It seemed
19 very clear in your order--

20 JUDGE GLEASON: It is clear and the
21 item is not and the matter is not a matter that is
22 within the confines of this hearing. I don't know
23 why he is asking the question. He can ask that
24 question for a variety of reasons. To probe the
25 extent of his knowledge, for one thing. I don't

1 want to be in a position of asking why he is asking
2 the questions. I would just as soon go on with it.
3 Respond to the question, please.

4 A. (Crocker) Yes, sir.

5 To my knowledge, no other school
6 district in the EPZ has agreed to it.

7 Q. Thank you.

8 Mr. Crocker, the second paragraph on
9 page 49, you are referring to LERO's procedure--

10 A. (Crocker) Bear with me a minute in
11 getting back to it.

12 (Pause.)

13 A. (Crocker) I am ready.

14 Q. I assume, Mr. Crocker, the reference is
15 to a particular procedure of LILCO's plan. Is that
16 procedure OPIP 3.6.5?

17 A. (Crocker) There is two procedures that
18 touch on the subject. 364 and 365. There are small
19 references in other procedures. But those two are
20 the main.

21 Q. Now, Mr. Crocker, it is my
22 understanding from this testimony that LERO school
23 bus drivers under the procedures in LILCO's plan,
24 would be called out if LERO makes a recommendation
25 to evacuate or to shelter schools or if a public

1 school district decides not to dismiss early or
2 cancel classes when recommended by LERO. Is that
3 right?

4 A. (Crocker) Yes.

5 Q. That is, in fact, stated on page 53 of
6 the testimony.

7 I gather from the testimony, Mr.
8 Crocker, that the LERO bus drivers once called out,
9 would report directly to predesignated bus yards.
10 Correct?

11 A. (Crocker) That's correct.

12 Q. And I gather that this would be the
13 case irrespective of the nature of the emergency,
14 whether it would be an emergency requiring
15 evacuation or an emergency classification level such
16 as a site area emergency, that at that time may not
17 be requiring an evacuation. Is that right?

18 A. (Crocker) Yes. We call them out in
19 spite of the fact it may not be necessary, just to
20 be on the safe side.

21 Q. So, they are called out, they report
22 directly to the bus yards, and this is the case
23 irrespective of the nature of the emergency, the
24 time of the day, whether they are reporting from
25 home or the office?

1 A. (Crocker) Well, no. Time of day is
2 obviously important. If school is not in session,
3 you don't need most of this. So, it is during
4 typically what you'd characterize as school hours.

5 I'm sorry. I lost the thread of the
6 rest of the question.

7 Q. Irrespective of time of day, you
8 disagree with--it would have to be during the
9 day--but irrespective of the nature of the
10 emergency, irrespective of whether the LERO school
11 bus drivers would be reporting from home or work,
12 they go to the bus yards?

13 A. (Crocker) Pretty much we anticipate
14 they report from work, because our work hours
15 normally coincide with school hours. We would not
16 call them out at a very low level of emergency,
17 i.e., an unusual event, but when you get into the
18 higher emergency classifications, alert, site area,
19 general, then, yes, they become a factor.

20 Q. I am trying to get an understanding,
21 Mr. Crocker, of this procedure and how the LERO
22 school bus drivers would report for duty. They
23 would first be called out or notified, and I think
24 somewhere in your testimony it references that would
25 be done by page 10 certain of the LERO drivers who,

1 in turn, would then telephone other LERO drivers.

2 Correct?

3 A. (Crocker) That's essentially correct.

4 Q. They are called out, notified to report
5 and to go directly to the bus yards. And then, of
6 course, they have to report. They have to get from
7 wherever they are to the bus yards.

8 Once they get to the bus yards, there
9 are certain matters which must be taken care of by
10 the LERO bus drivers and they are specified in your
11 testimony as well. They include getting their
12 assignment packets and informing the bus dispatcher
13 that they are at the yard and getting their
14 dosimetry equipment, getting a bus if necessary,
15 checking out that bus to make the trip--thing of
16 that sort. Correct?

17 A. (Crocker) Yes.

18 Q. It is your understanding, Mr. Crocker,
19 that the LERO school bus drivers would do some sort
20 of inspection at the bus before actually taking that
21 bus from the yard?

22 A. (Crocker) Yes. It is part of their
23 training to do what I have heard described as the
24 walk around and, you know, inspect the bus to make
25 sure it is operable.

1 Q. With respect to once all these matters
2 of briefing and equipping and so forth are taken
3 care of, of course, then the bus drivers get the bus
4 and they leave the bus yard and they head for the
5 school, whatever school that may be that they are
6 assigned to help evacuate?

7 A. (Crocker) That is correct.

8 Q. The assignments for evacuating the
9 schools are always provided to the LERO school bus
10 drivers at the bus yards and through--there is a
11 mention somewhere in here of the LERO boxes. The
12 assignments are just prestored, I suppose, in these
13 boxes and picked out randomly by the LERO school bus
14 drivers?

15 A. (Crocker) Yes. What happens is we
16 have got these at all the bus yards (Indicating.).
17 This one is Miller Place School District, Sound
18 Beach School. It is typical of all the others. In
19 it--that is given to a driver. It has got all the
20 things, information and equipment he needs for his
21 assignment. There is 509 of these things.

22 Q. All the bus yards, Mr. Crocker, for
23 evacuating the EPZ schools, are not within the EPZ
24 themselves. Is that correct?

25 A. (Crocker) The ones that serve what we

1 have defined as the primary drivers--those extra
2 needed to do the one-wave evacuation, they are
3 typically outside the EPZ.

4 Q. Are the bus yards where the backup
5 drivers report within the EPZ?

6 A. (Crocker) Generally, yes. I haven't
7 plotted them on a map, but typically those bus yards
8 are in the EPZ because that is where the schools
9 they serve are.

10 Q. When the bus driver gets his assignment
11 and it is decided which school he is going to help
12 evacuate, it is fair to say that that is a random
13 selection by the bus driver?

14 A. (Crocker) It depends on what order he
15 arrives. If he is the first, he would take the
16 first packet. If he is the 27th, he would get the
17 27th packet. It depends on the order he arrives.

18 Q. Any one of a number of different
19 schools could be assigned to the driver.

20 A. (Crocker) That is correct. Those that
21 are serviced by that school bus company.

22 Q. So, in some cases we are talking as
23 many as 10 schools or so could be among those from
24 which the bus drivers would choose their assignment?

25 A. (Crocker) Yes, that's correct.

1 Q. At this time, Mr. Crocker, has LILCO
2 performed any studies or analyses of any kind in an
3 attempt to determine the time it would take to get
4 the LERO school bus drivers notified, get them to
5 the bus yards, get through this process we have been
6 exploring and actually be dispatched from the bus
7 yards to arrive at the designated schools?

8 A. (Crocker) No. We have conducted no
9 such study.

10 Q. Has LILCO conducted any studies or
11 analyses of any kind with respect to any one of
12 these matters we have been discussing? How long it
13 would take to notify, how long it would take to get
14 to the bus yards, how long it would take to be
15 briefed or dispatched from the yard, how long it
16 would take to get from the yard to the schools, any
17 one of the matters?

18 MR. CHRISTMAN: Objection. It sounds
19 like it goes to ETE's rather than availability of
20 bus drivers and, therefore, outside the scope.

21 JUDGE GLEASON: I don't know where he
22 is going, but let him continue for a time.

23 A. (Crocker) You are asking me if we
24 studied it. There have been no formal reports and
25 analyses. But each one of those elements you just

1 listed, by and large match similar steps in the LERO
2 organization, which we studied for a long time. For
3 example, you mentioned notification. The
4 notification system we use for the bus drivers is
5 exactly the same as we use for the rest of LERO. So
6 we know what the time frame is.

7 In terms of sending people to a bus
8 yard to pick up a bus, we know that is faster than
9 the present program for getting the general
10 population bus drivers to the bus yards, because we
11 skip an intermediate step. They go directly to a
12 bus yard in the school program. They do not go to a
13 staging area first and subsequently to a bus yard.
14 I know that is faster.

15 I have forgotten the next step.
16 Dispatching? Dispatching is a similar function to
17 what our people do at staging areas. Assign someone
18 a bus, give them their mission. Qualitatively I can
19 tell you it is about the same order of time.

20 In terms of driving to the school, our
21 general population bus drivers drive from whatever
22 their bus yard is, and they are scattered all over
23 the place, so I don't have a concrete number for
24 you. But our school bus drivers drive the same
25 difference to roughly the same designations. No, I

1 haven't studied it formally. I have a sense,
2 because these things are all analogous, that the
3 times, if that is where you are going, are roughly
4 the same.

5 Q. We will talk about it later, I think,
6 Mr. Crocker. I am not sure we are on the same
7 wavelength on this one.

8 A. (Crocker) I apologize if I wasn't
9 responsive.

10 Q. No, that is a fine.

11 JUDGE GLEASON: Mr. Miller, whenever
12 you reach an appropriate time, I would like to
13 recess for lunch.

14 MR. MILLER: Yes, sir. I think I can
15 wrap up this line real quickly.

16 Q. Mr. Crocker, I am correct, though, that
17 there are instances where the LERO school bus
18 drivers would not even be notified or called out to
19 report until an evacuation had been recommended by
20 LERO of the EPZ. Is that correct?

21 A. (Crocker) In accidents that develop
22 very swiftly, so that there has been no time for
23 consideration of early dismissal or whatever, yes,
24 you are right.

25 Q. Mr. Crocker, focus with me for a moment

1 on the backup LERO school bus drivers. If I
2 understand the testimony, these backup LERO school
3 bus drivers go to the same bus yards normally used
4 by the regular school bus drivers, and if regular
5 school bus drivers do not show up to drive the
6 school buses, then the backup drivers would make
7 known their availability to do so. Is that a fair
8 summary?

9 A. (Crocker) Basically that's correct,
10 yes.

11 Q. Now, how would the LERO backup drivers
12 know to make the decision that the regular school
13 bus drivers are not going to show up and, therefore,
14 they should try to drive the buses? How long do
15 they wait?

16 A. (Crocker) That is left in large part
17 to the bus dispatcher of the school bus company, who
18 gets trained along with the training we provide to
19 the regular bus drivers. He has to make an
20 assessment--this is the dispatcher now. He's called
21 his drivers. He's got an assessment of what he's
22 got there. If he thinks he's pretty much got all
23 his regular drivers that are going to report, he
24 then is free to use the LERO drivers and give them
25 their missions.

1 There is no numerical threshold for the
2 decision or no numerical criteria. It is a judgment
3 call on this dispatcher that spends his whole life
4 dispatching buses.

5 Q. Mr. Crocker, in any event, once the
6 dispatcher, who somehow has been trained by LILCO,
7 decides that there is a need to utilize LERO's
8 backup drivers, then the dispatcher must get
9 permission from the school districts to release the
10 buses to these LERO backup drivers so they, in fact,
11 could drive the buses. Is that right?

12 A. (Crocker) The principle is right, the
13 timing is wrong. The permission is requested
14 earlier on in the game, when the school coordinator
15 at the EOC calls the school administrator and says,
16 "We have got an emergency. An evacuation is
17 potentially possible. If it comes to that point, we
18 ask that you tell your school bus company to release
19 the buses to us should that become necessary and let
20 LERO drivers drive them."

21 So, the timing is such that we try to
22 get that in advance rather than at the time the
23 dispatcher realizes he needs to use one of my
24 drivers.

25 Q. But in the event of the fast-breaking

1 accident, Mr. Crocker, that timing may be as I
2 hypothesized because the bus dispatcher would not
3 know until some time had passed that permission
4 would be required from the school districts to
5 release the buses to the LERO drivers. Isn't that
6 correct?

7 A. (Crocker) I am not sure I followed the
8 question but I will try to answer it.

9 Essentially, in a fast-breaking
10 accident, it is my opinion that the person at EOC
11 would have called the school before the drivers, who
12 got mobilized at the same time, would actually
13 arrive at the facility. The phone call is quicker
14 than the driving to the EPZ. In less--I can't
15 imagine the circumstance, but I think the permission
16 would have been requested and presumably granted,
17 since it is an emergency, before the drivers
18 actually got there.

19 Q. So, LILCO would request permission of
20 the school districts from the LILCO EOC and it is
21 presumed by LILCO that the school districts would
22 grant that permission so that the backup LERO
23 drivers, if needed, could be dispatched from the bus
24 yards?

25 A. (Crocker) Yes. We believe in an

1 emergency they will let us use the buses.

2 Q. And it is recognized by LILCO, Mr.
3 Crocker, with no doubt here, that it is only at the
4 direction of the school officials that LILCO's plan
5 would be implemented by LILCO--LILCO's plan for
6 evacuating the school children. Is that a fair
7 statement?

8 A. (Crocker) The--to release the buses to
9 our LERO backup drivers, to my nonlegal mind, I
10 think would require their permission. To the extent
11 that they have got the regular drivers there who
12 could also implement the plan, I don't think that
13 permission would be necessary.

14 Q. With respect to even if the permission
15 to use the buses is granted by the school districts,
16 the permission of the school districts would also be
17 required to actually have their school children
18 transported away from the schools. Is that correct?

19 A. (Crocker) I think clearly, I am not
20 going to go in and kidnap the children. I need
21 their permission.

22 MR. MILLER: Judge, this would be a
23 good time for a lunch break.

24 JUDGE GLEASON: All right. Let us come
25 back at 1:45, please.

1 MR. BACHMANN: Judge Gleason, I would
2 like to state one thing quickly for the record.

3 JUDGE GLEASON: All right.

4 MR. BACHMANN: There was a question
5 yesterday about testimony that was reintroduced on
6 the Port Jefferson High School. I did a little
7 research on that and that was definitely
8 included--definitely included within the EPZ, in LVP
9 8512, 21 NRC 644 at 706, in case--there was a little
10 bit of an open question on that one.

11 JUDGE GLEASON: All right. Thank you.

12 MR. BACHMANN: The Board has ruled on
13 that.

14 JUDGE GLEASON: Thank you.

15 (Whereupon luncheon recess was taken.)
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1 AFTERNOON SESSION

2 1:50 p.m.

3 MR. CHRISTMAN: Judge Gleason, may I
4 take you up on your offer to excuse the witnesses
5 this afternoon? They will be close by and on call
6 if needed.

7 JUDGE GLEASON: All right. Gentlemen,
8 you are excused.

9 (Dennis Mileti, Michael Lindell and
10 Robert Kelly leave proceeding.)

11 JUDGE GLEASON: We have all received
12 the May 16th letter concerning the EBS situation and
13 the essential part is that it requests that we not
14 schedule that issue for any part--for any hearing
15 date at the present time. So, we, of course,
16 concede to that request. Which then excuses, Mr.
17 Bachmann, the witness from the FCC, I guess, right?

18 MR. BACHMANN: Yes, sir.

19 JUDGE GLEASON: We will take care of
20 notifying FEMA of that.

21 There is a bit of a glitch, I guess you
22 could call it, in the schedule with respect to Dr.
23 Turner, the school issue. Do I understand correctly
24 that he would not be available until the 2nd of
25 June, or what is the situation?

1 MR. McMURRAY: Yes, sir. Because of a
2 longstanding commitment that he's had, I believe it
3 is the Federal Government, he is currently leading a
4 group of scientists over to the People's Republic of
5 China. He will not return until, I think, the night
6 of May 31st and he is going to fly out here directly
7 on June 1st, I believe. It is literally impossible
8 to have him here before then.

9 JUDGE GLEASON: Let us keep that in
10 mind. We will get back to it. If I see there are
11 any other possible solutions--I think they are
12 entitled, really, to have their panel together if it
13 is a panel presentation. I guess there could be a
14 possible resolution in that if we come back with
15 respect to the best efforts--the realism issue, best
16 efforts, we possibly could include it in that
17 testimony so we don't have to come back for one day.
18 But I don't want to decide that issue. I am just
19 looking at all the potential possibilities. We can
20 come back to it--

21 MR. CHRISTMAN: Judge Gleason, I think
22 we are going to ask leave tomorrow to file some
23 additional rebuttal testimony on the hospital ETE's.
24 I don't think that decision has been made but I
25 think we may. I am confirming what you are saying.

1 I think we ought to wait until tomorrow.

2 JUDGE GLEASON: Fine.

3 MR. MILLER: One other scheduling
4 matter. In light of what Mr. Christman just said, I
5 am tempted not to make the comment but I will make
6 it anyway. Mr. McMurray and I have given some
7 thought to looking at the schedule without the EBS
8 issues, and it is conceivable to us that next week
9 could be consolidated somewhat. This is a matter I
10 think we all ought to discuss with the state, the
11 staff and LILCO. As things stand now, without EBS,
12 there might not be the need to have a full four-day
13 hearing. We might be able to consolidate that down
14 to three days or so. Why don't you let us talk to
15 the other parties and if we can, we will make a
16 proposal to the board in that regard.

17 MR. CHRISTMAN: I think that is fine.
18 We ought to talk about that.

19 JUDGE GLEASON: You people work on that
20 and see where we are at the end.

21 You want to continue with your cross,
22 Mr. Miller?

23 MR. MILLER: Yes, sir.

24 Whereupon,

25 DOUGLAS M. CROCKER

1 having been previously sworn, resumed and testified
2 further as follows:

3 CROSS-EXAMINATION (Cont'd.)

4 BY MR. MILLER:

5 Q. Mr. Crocker, if you would turn to page
6 50 of your testimony, again, in an effort to make
7 sure we have an understanding of terms, it is fair
8 to say, is it not, that a single-wave evacuation as
9 used by LILCO does not mean, necessarily, an
10 evacuation that would be occurring within the same
11 time period, within roughly the same time period?
12 Is that a fair statement?

13 A. (Crocker) Are you asking if a general
14 population evacuation would be going on
15 simultaneously?

16 Q. Let me try to rephrase. It is clear a
17 single-wave evacuation does not mean that all
18 schools within the EPZ would be evacuated
19 simultaneously, at the same time. Correct?

20 A. (Crocker) Close to each other but not
21 necessarily simultaneously.

22 Q. It depends on all the other factors,
23 such as the bus driver's report to the yards, get
24 the buses, get to the schools, load the children and
25 get out of the EPZ. It may be roughly in the same

1 time period, but certainly it would not be that you
2 would have a simultaneous evacuation of the EPZ
3 schools?

4 A. (Crocker) You are quite correct.
5 There would be little perturbations of how it shook
6 out in the end.

7 Q. The only point of the single-wave
8 evacuation is to make clear that it would be LILCO's
9 position that no bus driver would need make more
10 than one trip. Correct?

11 A. (Crocker) Yes. That is the whole
12 intent of the single wave. There is the underlying
13 assumption that one trip is faster than two trips.

14 Q. Mr. Crocker, the last sentence of the
15 answer to question 44, I assume that that statement
16 references the testimony set forth on page 58 of
17 your testimony.

18 A. (Crocker) Yes. Question 67.

19 Q. I want to come back and talk about
20 question and answer 67 later, Mr. Crocker, but if I
21 understand the thrust of that testimony, Mr. Watts,
22 at your request, contacted various planners with
23 counties surrounding other New York State plants and
24 they reported back to you a summary of the
25 information he obtained from these other plants. Is

1 that correct?

2 A. (Crocker) Yes, that's correct.

3 Q. But to your knowledge, Mr. Crocker, did
4 Mr. Watts, himself, have the conversations with
5 these planners around the other plants in New York
6 State?

7 A. (Crocker) Yes, he did.

8 Q. Now, Mr. Crocker, the new numbers that
9 were reported yesterday that are referenced in
10 answer 46 to your testimony--I am back on page 50
11 now.

12 A. (Crocker) I am with you.

13 Q. Those numbers are LILCO's current best
14 estimate as to the number of drivers that would be
15 required. Correct?

16 A. (Crocker) Yes, that's correct.

17 Q. And they are reflected in Revision 10
18 which will be forthcoming in the near future?

19 A. (Crocker) Yes.

20 Q. There are some terms that I think we
21 still have left to define, Mr. Crocker. They
22 concern the way LILCO describes the buses that will
23 be used by these drivers, these LERO school bus
24 drivers. I gather from your deposition and from the
25 testimony that has been submitted by LILCO that

1 buses that are spare buses or uncommitted buses or
2 LILCO refers to them, I think, primarily as
3 first-call buses, those are buses which LILCO has
4 first priority of use. Is that correct?

5 A. (Crocker) Yes. That's correct.

6 Q. So that in the event of a Shoreham
7 emergency, LILCO has some assurance by the bus
8 companies that those buses would be available
9 without having to be released from any other use by
10 any other company or entity.

11 MR. CHRISTMAN: Objection. Outside
12 scope.

13 JUDGE GLEASON: It is outside the
14 scope, Mr. Miller.

15 MR. MILLER: Judge Gleason--

16 JUDGE GLEASON: I know he responded but
17 really--

18 MR. MILLER: My response would be that
19 it is not outside the scope.

20 JUDGE GLEASON: Availability of buses?

21 MR. MILLER: It is in the testimony,
22 the term "first-call bus" is in the testimony. It
23 is also attached to the supplemental testimony in
24 terms of LILCO's new plan provisions. I think,
25 Judge Gleason, that we have got to be able to at

1 least establish LILCO's provisions for giving these
2 bus drivers something to drive so that they can in
3 fact implement this plan of LILCO's. It is not a
4 line of questions I want to spend much time on, but
5 the terminology is LILCO's terminology and is
6 involved in this testimony.

7 MR. CHRISTMAN: A small breach of the
8 rules is still a breach of the rules. This was
9 argument in a motion in limine and they tried again
10 to get it into their testimony. I don't know how
11 many times we are going to have to argue this
12 availability of buses.

13 JUDGE GLEASON: It really is outside
14 the scope, Mr. Miller.

15 MR. MILLER: Judge Gleason, let me give
16 you an example of what I have to deal with. Page 50
17 of the testimony, the page we are on, the first line
18 of the answer to the first question talks about
19 "enough buses and drivers." If you look at
20 Attachment O to the supplemental testimony, which is
21 page Roman 2-28, in the middle of the page it talks
22 about first call rights to buses. If these matters
23 are put forth by LILCO, then I must have some
24 leeway, in fairness, to explore the terminology and
25 how it is used by LILCO.

1 MR. CHRISTMAN: Judge Gleason, we can't
2 put the procedures in and white-out every word that
3 might, in Mr. Miller's mind, raise extraneous
4 issues. We put the procedure in as it was, as it
5 is, and put in the testimony a definition here which
6 he is now using to bootstrap himself into an issue
7 outside the scope. That argument is absolutely
8 without merit.

9 JUDGE GLEASON: I do think, Mr. Miller,
10 I will allow you as much latitude as we can. I do
11 think it is necessary, of course, as you know, in
12 preparing any testimony to round out things and so
13 forth without necessarily injecting that as part of
14 the issues in the hearing. What you are doing is
15 taking advantage of that in attempting to litigate
16 those issues. Those issues are not litigable. We
17 already excluded them. I would let you go ahead but
18 it is really--if you go too far, I am just going to
19 have to stop you because it just wouldn't help your
20 case or anyone else's. It would just be
21 putting--not repetitious, but it would be putting
22 testimony in that has no meaning.

23 MR. MILLER: I guess given your
24 statement, Judge Gleason, let me proceed and then if
25 I go too far you will have to tell me.

1 JUDGE GLEASON: All right.

2 MR. CHRISTMAN: Do you want me to just
3 make a continuing objection and shut up so that--

4 JUDGE GLEASON: I don't want to tell
5 you what to do, but you have to judge that yourself.
6 I think if he goes too long into the area--

7 MR. CHRISTMAN: I don't think it is
8 particularly harmful, but is a waste of time and
9 improper. As you say, I will use my judgment and do
10 the best I can.

11 JUDGE GLEASON: There are times where
12 it is a little difficult to understand why somebody
13 is asking certain questions even though the
14 questions may appear to be outside the scope. They
15 can be asked for other purposes. You have to
16 evaluate that.

17 Go ahead.

18 Q. Mr. Crocker, I believe--let me just ask
19 the question. I can't quite recall where we were.

20 A. (Crocker) Nor can I.

21 Q. Is it fair to say that LILCO has
22 contracted with buses, with bus companies and the
23 buses contracted for fall into essentially two
24 kinds, first-call buses, of course, for which LILCO
25 has priority of use and second-call buses, for which

1 LILCO's right to use those buses falls behind
2 another company or entity?

3 A. (Crocker) That's right. The
4 second-call buses are essentially as available.

5 Q. And we established this morning, Mr.
6 Crocker, I believe, that LILCO assumes for planning
7 purposes that the buses available to the--the
8 regular school buses available to the school
9 districts within the EPZ would be made available to
10 LILCO in the event of a Shoreham emergency requiring
11 evacuation of school children. Correct?

12 A. (Crocker) Yes, I believe that's what
13 would happen.

14 Q. I'm sorry?

15 A. (Crocker) I say I believe that's what
16 would happen. Yes.

17 Q. Your testimony reflects that there are
18 essentially 301 regular school bus drivers, so I
19 assume, again, for purposes of planning, LILCO is
20 assuming it would have access to approximately 301
21 buses from the school districts if necessary?

22 A. (Crocker) Yes.

23 Q. You indicate, Mr. Crocker, that 509
24 school bus drivers and buses would be needed to
25 evacuate all public and private schools and nursery

1 schools in the EPZ. Is that correct?

2 A. (Crocker) That's correct.

3 Q. Would you agree with me, Mr. Crocker,
4 that if the school districts do not make their buses
5 available for LILCO's use, that LILCO would not have
6 a sufficient number of first-call buses available to
7 it to evacuate the school children from the EPZ?

8 A. (Crocker) I am just doing some
9 addition in my head.

10 We would have close to that number
11 because we have did--hang on a second.

12 JUDGE GLEASON: Mr. Miller, would you
13 try to enlighten me as to what the purpose of the
14 question is before he answers?

15 MR. MILLER: The purpose of my
16 question, sir?

17 JUDGE GLEASON: Yes.

18 MR. MILLER: The purpose of my question
19 is to demonstrate that--I am a little uncomfortable
20 doing this with the witness, but I guess I will do
21 it.

22 JUDGE GLEASON: There is no other way I
23 know how to evaluate whether this is a relevant type
24 of inquiry. As indicated, you are skirting on the
25 edge of things.

1 MR. MILLER: I think I am about through
2 with the questions, Judge Gleason.

3 JUDGE GLEASON: I want you to answer,
4 before the answer is in. I want you to answer the
5 specific question.

6 MR. MILLER: I would like to
7 demonstrate to the Board that LILCO does not have a
8 sufficient number of buses available to it to
9 implement a single-wave evacuation of the EPZ
10 schools unless it is assumed that the buses would be
11 made available to LILCO by the regular school
12 districts, for which there is no basis in the record
13 to make that assumption. I guess that is the
14 proffer.

15 MR. CHRISTMAN: Then I object.

16 JUDGE GLEASON: I think I have to grant
17 the objection. The witness will not answer the
18 question.

19 MR. MILLER: I am assuming, Judge
20 Gleason, the reason is because the Board considers
21 that issue outside the scope.

22 JUDGE GLEASON: Yes.

23 Q. Mr. Crocker, let's go to question and
24 answer 47, about how you arrived at the number for
25 determining the school bus drivers that would be

1 necessary to implement a single-wave evacuation.

2 A. (Crocker) I am with you.

3 Q. My understanding, Mr. Crocker, is that
4 the determinations as to school populations was made
5 by LILCO by way of a telephone survey during the
6 summer of 1987. Is that correct?

7 A. (Crocker) That was one of several
8 efforts to determine populations.

9 Q. Can you describe to me the other
10 efforts made by LILCO?

11 A. (Crocker) Certainly. As you said,
12 last July, in that time frame, July of 1987, some of
13 my staff called the various schools and the school
14 districts and asked them for their estimates of what
15 their school population would be for the upcoming
16 school year. Subsequent to that, we got additional
17 information, in part from interrogatory responses we
18 got from New York State, responses from
19 interrogatories we got from Suffolk County, and
20 finally a second telephone survey my staff did in
21 April of this year. So, the school population data
22 essentially comes from those four sources,
23 interrogatory responses and my staff's two surveys.

24 Q. Mr. Crocker, I knew about the telephone
25 survey in July of 1987 and, of course, I knew about

1 the discovery information provided to LILCO by
2 Suffolk County and New York State. I have never
3 heard about this second telephone survey conducted
4 in April of this year.

5 A. (Crocker) Yes. We just did it last
6 month.

7 MR. MILLER: I would just note, Judge
8 Gleason, for the record, that it seems to me quite
9 incredible that on an issue as relevant as
10 determining school populations it is obviously
11 necessary to determine the number of bus drivers,
12 which is clearly within the scope of the issues
13 before this Board. If LILCO had performed, as they
14 have according to Mr. Crocker, updated telephone
15 surveys of school populations and not provided that
16 information to the Government, that is disturbing to
17 me. I will now ask Mr. Crocker about the survey,
18 but it seems to me it should have been provided to
19 the Government so maybe we could save some time.

20 JUDGE GLEASON: I agree with you, Mr.
21 Miller.

22 Q. Mr. Crocker, the April 1988 survey, can
23 you tell me, first of all, why it was conducted?

24 A. (Crocker) Yes.

25 We had our survey from last July. We

1 had two sets of responses to interrogatories, one
2 from New York State and one from Suffolk County.
3 When we tried to piece it all together it was a case
4 of apples, oranges and some other fruit. It wasn't
5 consistent. So, New York State's data matched ours,
6 our original July data fairly well. Suffolk
7 County's was incomplete and contained a large number
8 of approximations and some of the numbers were not
9 consistent with ours. So, in order to make sure
10 that in fact I had a grasp of what the true numbers
11 could reasonably be, I asked my staff to go out and
12 check it again.

13 The numbers they came back with
14 conformed quite well to our July data. The July
15 data was a little bit soft in the sense that it was
16 projected. I asked each school "How many people do
17 you expect to have this year?" When we did the
18 April survey we were able to ask "How many do you
19 have?"

20 There were some differences. For
21 example, Shoreham-Wading River had, based on our
22 July data, anticipated student population of 2,116.
23 Our survey of last month indicated it was in fact a
24 little less than that. It was 2,035, but we were
25 less than 100 off. New York State's data indicated

1 2,021, and Suffolk County didn't have any data for
2 that district. I am quite comfortable saying the
3 differences between our first and last survey are
4 very similar.

5 Q. Mr. Crocker, I assume you had your
6 staff telephone all the EPZ schools, public schools,
7 private parochial schools and nursery schools?

8 A. (Crocker) Certainly, they telephoned
9 as part of this the public schools. We had--we have
10 more regular discussions with the parochial and
11 nursery schools. So, my data for those comes from
12 an intermediate point. This last survey, to the
13 best of my recollection, went solely to public
14 schools.

15 Q. I assume this survey conducted last
16 month was solely of the public schools within the
17 EPZ. Is that correct?

18 A. (Crocker) Yes. Those are the ones we
19 are planning for. Yes.

20 Q. What did you do with the school
21 districts that have some schools within the EPZ and
22 some schools outside the EPZ?

23 A. (Crocker) Patchogue-Medford is one
24 example of that, where it has an elementary, I
25 believe it is Eagle. We called them again--we

1 called Eagle Elementary School. First survey said
2 814 people. Second survey said 784.

3 Q. I guess my question, Mr. Crocker, is
4 did you telephone and ask about school populations
5 for each school of a school district even if that
6 school district had some schools outside the EPZ, or
7 did you limit your survey to just the schools within
8 the district within the EPZ?

9 A. (Crocker) Oh. It was within the EPZ.
10 I'm sorry. Misunderstood what you were asking.

11 Q. I gather, Mr. Crocker, that if, in this
12 recent survey, you were given some population
13 figures which were in disagreement with the
14 population figures provided by Suffolk County in
15 discovery, that you relied upon the telephone
16 results, telephone survey results and not the
17 information provided by Suffolk County?

18 A. (Crocker) Yes. I was comfortable
19 doing that because, like I said, New York State gave
20 us data which in turn was based on what they get
21 through normal administrative paperwork from the
22 school districts. By and large, our figures agreed
23 very closely with New York State's. So I had my own
24 two surveys plus New York State data to confirm it.
25 There is always some plus or minus but they were

1 pretty close.

2 Q. Based on your survey of last month, Mr.
3 Crocker, do you have with you a figure for total
4 school population within the EPZ?

5 A. (Crocker) I don't know. I will look.

6 Q. It was roughly 28,000 as of last
7 summer, if I recall.

8 A. (Crocker) Yes. 28,000 as of last
9 summer. I didn't add up--at least we don't have it
10 here, the new numbers. I can tell you as you go
11 down the list some of the numbers are greater, some
12 are lower. It is going to be pretty close to
13 28,000. We can do the calculation if you like.

14 Q. Mr. Crocker, somewhere in this
15 testimony it is referenced that--let me back up.

16 In Revision 9 of LILCO's plan, I
17 believe that there were 16 or so nursery schools
18 listed as being within the EPZ and in Revision 10
19 and reflected in your testimony that number has
20 climbed to 24 nursery schools.

21 Is this information that was made known
22 to LILCO in its survey last month?

23 A. No. The survey last month, as we
24 discussed, went to the public school districts.

25 Q. Can you tell me how it is that LILCO

1 became aware of the fact that there were eight or so
2 nursery schools that were not known to LILCO at the
3 time Revision 9 came out in January of this year?

4 A. (Crocker) Generally, I can. I have
5 several staff members whose sole responsibility is
6 to work with the organizations inside the EPZ--the
7 schools, hospitals, whatever. They reported that in
8 talking to some of the existing nursery schools,
9 that some new ones had been essentially grown up,
10 had been created since we were last beating the
11 bushes to find out what was out there. It turned
12 out there were eight of these relatively small
13 schools. So we added them to our list.

14 Q. Is it true, Mr. Crocker, that those
15 eight nursery schools were in existence as of the
16 time Revision 9 was published by LILCO in January
17 but they were just not known by LILCO?

18 A. (Crocker) They probably were. I don't
19 know that for a fact but they probably were. I
20 expect these things start and stop in the normal
21 school year.

22 Q. I assume, Mr. Crocker, the survey
23 results from last month are documented somewhere?

24 A. (Crocker) In my staff's notes,
25 probably.

1 Q. Have they been tabulated, those results
2 been tabulated on a school-by-school basis?

3 A. (Crocker) That is the list I have
4 here.

5 MR. MILLER: Judge Gleason, I would
6 request that the information be provided to Suffolk
7 County. I will look at it and if there is a need to
8 come back to this, I will come back to it. For the
9 time being, I think I will move to another line of
10 question.

11 JUDGE GLEASON: Do you have an
12 objection?

13 MR. CHRISTMAN: I have no problem with
14 Xeroxing the list.

15 MR. ZAHNLEUTER: Will it be provided to
16 the parties?

17 MR. CHRISTMAN: We will be glad to give
18 you a copy, Rick.

19 JUDGE GLEASON: Please make the
20 information available to all parties.

21 THE WITNESS: All right.

22 Q. Mr. Crocker, LILCO has made certain
23 assumptions in terms of determining those students
24 LILCO believes would need to be evacuated at the
25 time of a Shoreham emergency. If I understand your

1 testimony, one assumption is you reduce by five
2 percent the school populations and that five percent
3 reflects what would be assumed to be an average
4 daily absentee rate. Correct?

5 A. (Crocker) Yes.

6 Q. And for the high schools within the
7 EPZ, you reduce the number by an additional 20
8 percent to account for students which LILCO believes
9 would evacuate or leave the schools in their own
10 cars. Right?

11 A. (Crocker) Or in someone else's car.
12 Yes.

13 Q. Obviously, the net result of that, Mr.
14 Crocker, is that for the high schools LILCO, as a
15 planning basis, plans to evacuate 75 percent of the
16 high school students?

17 A. (Crocker) That is the number we used
18 to calculate the number of buses assigned to a
19 school. Yes.

20 Q. Mr. Crocker, is there anything
21 available to LILCO which would suggest that these
22 figures, the five percent absentee figure and the 20
23 percent reduction figure for high school students,
24 are in fact accurate and reliable figures to rely
25 upon in planning to evacuate the EPZ school

1 children?

2 A. (Crocker) That is a request that I in
3 fact asked. My understanding is this: Earlier on,
4 circa 1983, 1984, this same data was presented and
5 accepted in some hearings that I was not involved
6 in. I asked where the data came from and apparently
7 one of our witnesses was married to the school
8 superintendent of a school system near the EPZ. She
9 got that data from him. I didn't have that person
10 to talk to, so I asked my staff to talk to one of
11 the school districts inside the EPZ and ask what
12 they thought these numbers would be. How many
13 people are absent on a given day, a percentage, and
14 how many people don't use school buses--I'm sorry.
15 How many people rely on private transportation to
16 get to school.

17 The answer that came back in terms of
18 absentees was precise because that is the data they
19 have to collect to get their school aid.

20 I have got a string of numbers here.
21 Generally the absentee rates--well, this is
22 backwards. This is the percentage of people that
23 were at school, so subtract this number from 100 to
24 get the absentee rate. For 1985-86, at the high
25 school, they had an attendance rate of 89.2 percent.

1 At the junior high school the attendance rate
2 rounded up to 94 percent. In the primaries they had
3 an attendance rate of 95, 94, 93 and 95, allowing
4 for rounding.

5 '86-'87, the next school year, they had
6 attendance rate of 93 percent, 94 percent, 94, 94,
7 93, and 95. For this year they had an attendance
8 rate of 93 percent, 94--no. 93 percent, 95 percent,
9 93 percent, 93 percent and 95 percent.

10 That goes to attendance. School
11 districts don't collect how many kids go to school
12 in their own car, their parents' car or with
13 somebody else, but the question was asked does 20
14 percent sound about right and the school
15 superintendent allowed that that was probably okay.
16 But there is no firm numerical basis. It was just
17 this man's judgment.

18 Q. Mr. Crocker, I just want to make sure I
19 understand. This last part about the high school
20 students and private vehicles, was that something
21 LILCO recently looked at or does that go back to
22 1984?

23 A. (Crocker) Well, the number came from
24 1984, the first round of hearings. '83 or '84.
25 Somewhere in there. I think we reference that in

1 the testimony. When I was preparing for this
2 hearing, given that this was old data, I wanted the
3 comfort of knowing that it was reasonable and I
4 asked one of my staff who talks to school districts,
5 "Go find out for me." This is the information that
6 came back.

7 Q. With respect to the 20 percent figure,
8 your staff member talked to one school
9 superintendent?

10 A. (Crocker) Yes.

11 Q. Was that the superintendent of the
12 Shoreham-Wading River School District?

13 A. No.

14 Q. Which school district was talked to?

15 A. (Crocker) Comsewogue.

16 Q. Did this school superintendent tell you
17 that would be an accurate and reliable figure for
18 all EPZ schools?

19 A. (Crocker) No, he did not.

20 Q. Mr. Crocker, the principle of planning
21 to evacuate only 75 percent of the high school
22 students, it is a surprising approach to me only
23 because I would think that from a prudency, safety
24 standpoint, from a planning basis standpoint, one
25 would choose to evacuate all students whether they

1 be high school students or elementary school
2 students.

3 MR. CHRISTMAN: I will object to any
4 more questions. I have tried not to, but this was
5 litigated in 1984 and has now been made clear and
6 made clear in the testimony. We are just going over
7 that old stuff. This was all done. I remember
8 questions about this.

9 MR. MILLER: Judge Gleason, I have two
10 responses.

11 JUDGE GLEASON: You don't have to
12 respond. I am going to deny the motion. Continue
13 your questions, please.

14 MR. MILLER: Thank you, Judge, but I
15 would like to at least request of counsel that
16 objections are made when I have concluded a question
17 and not in the middle of a question.

18 Q. Mr. Crocker, are you with me? I
19 believe the question was from a prudency, safety
20 standpoint, why is it LILCO has not planned to
21 evacuate all students rather than just the 75
22 percent of the students attending the EPZ high
23 schools?

24 A. (Crocker) Because, as a planner, my
25 opinion, it is prudent to make the most utilitarian

1 allocation of your resources that will get the job
2 done on a reasonable basis. Any good plan or set of
3 procedures has built-in flexibility that allows you
4 to accommodate deviations, if you will. The
5 unlikely event, for example, that one school is
6 completely healthy one day and they all show up, or
7 that all the cars fail that day so everyone gets to
8 school somehow but needs a bus to leave in an
9 evacuation.

10 The plan has that built-in flexibility.
11 For example, in the procedures you will see that the
12 school coordinator at the EOC calls each school
13 district, and among the other things they discuss
14 is, "Do you have any problems? Is there anything
15 atypical that I need know about?" If this person
16 recorded that, "Yes, I have 100 more kids than I
17 normally have," or something untoward like that, we
18 have the flexibility within LERO to dispatch extra
19 buses out of our Patchogue staging area. As you may
20 recall from the early litigation, we have extra
21 drivers there that have no specific assignment.
22 They are there on a dispatch-as-needed basis. The
23 way the procedure would be set up or is set up and
24 the way it works is that the school coordinator, on
25 hearing this, talks to the bus dispatcher who says

1 to Patchogue, "Send one of the extra buses to this
2 location and help out."

3 So, I think it is prudent the way it
4 stands. We aim to provide the resources to satisfy
5 the demands we expect to be there, and the plan has
6 the flexibility to accommodate perturbations.

7 Q. Mr. Crocker, the LERO school bus
8 drivers are not dispatched out of the Patchogue
9 staging area?

10 A. (Crocker) No, they are not. They are
11 not dispatched from any staging area.

12 Q. You are talking about some other LERO
13 worker could be assigned to some bus and be sent to
14 some school to evacuate some students?

15 A. (Crocker) It is a lot of "some's," but
16 the answer is yes.

17 MR. MILLER: I just want the record
18 clear on this one, Judge Gleason, because Mr.
19 Crocker mentioned extra buses that would be at
20 Patchogue and we didn't get to establish that they
21 don't have a sufficient number of buses. My proffer
22 would be that LILCO does not have available to it
23 sufficient buses to implement its school plan. The
24 Board has made it clear that I will not be able to
25 explore that. I didn't want the record to indicate

1 that LILCO has extra buses because I am sure that is
2 not the case. If the Board would let me explore the
3 topic, I would be more than happy to.

4 JUDGE GLEASON: I don't think so.

5 Q. Mr. Crocker, I am afraid we got a
6 little bit away from my original line. I understand
7 the planning basis when it comes to the absentee
8 rate. I am not sure I agree with it, but I
9 understand it and I am not going to question you
10 about it.

11 A. (Crocker) I assumed you didn't agree
12 with it. Go ahead.

13 Q. It is the 20 percent reduction rate for
14 the high school students which bothers me because I
15 think it is very conceivable that a high school
16 principal or someone in charge, some school official
17 in charge, would not only not have that many
18 students that would be taking their own vehicles out
19 but, in fact, would actively discourage students
20 from doing so, would want the students bussed out if
21 they were going to go at all. I would have assumed
22 this is something LILCO would have thought about in
23 its planning basis and I am wondering if I am
24 correct?

25 A. (Crocker) We assumed those children

1 who have vehicles will take them.

2 Q. And the way LILCO's approached this
3 issue, it seems to me LILCO would encourage that to
4 be the case by providing not enough drivers or buses
5 to evacuate the high schools if, in fact, the high
6 school students decided not to drive their own
7 vehicles?

8 A. (Crocker) I'm sorry. I got tangled up
9 in the last part of that.

10 Q. What I have asked, Mr. Crocker, is it
11 fair to say that LILCO in fact has actively
12 encouraged high school students to drive their own
13 vehicles out of the EPZ if evacuation was required
14 by not planning sufficiently with respect to
15 resources needed to evacuate all high school
16 students?

17 A. (Crocker) I am not sure "encourage" is
18 the right verb. But you are right, our planning
19 basis is that we expect those people who came to
20 school in a private vehicle to depart that way.
21 Kids have cars to some extent and they pick up their
22 friends. We expect them to leave the same way. In
23 that sense, they would be members of the general
24 public evacuating rather than school kids, per se.
25 But yes, that is the planning basis.

1 Q. Do you know, Mr. Crocker, did LILCO
2 consider providing sufficient resources to evacuate
3 all high school students without this reduction of
4 20 percent?

5 A. (Crocker) Did we consider it?

6 Q. Yes.

7 A. (Crocker) No. We determined what we
8 thought were the reasonable transportation needs of
9 each school. We took the five percent deduction for
10 average absentee rates and took the 20 percent
11 reduction and planned on that basis.

12 Q. I believe, Mr. Crocker, if I jotted
13 down my notes correctly, LILCO considers this to be
14 the utilitarian allocation approach?

15 A. (Crocker) Those were my words. Good,
16 practical allocation of resources

17 Q Mr. Crocker, at the top of page 51, you
18 indicate that for the nursery schools, LILCO took
19 the student population numbers that were given to
20 LILCO by the schools themselves. Why this
21 difference in approach with respect to nursery
22 schools as compared to other EPZ schools?

23 A. (Crocker) I can see why that would
24 confuse you. The numbers we got from the nursery
25 school, what we asked for, were peak attendance

1 figures. Those were the numbers we got. Not peak
2 enrollment, but what is the most kids you have ever
3 seen at your school on a given day, and those were
4 the numbers we used. In essence, it has the
5 absentee rate built into it and obviously they are
6 too young for the 20 percent factor to apply.

7 Q. Wait a second, Mr. Crocker. It is not
8 the same thing at all, is it? You said to the
9 nursery schools give us your highest-ever attendance
10 figures and that is what we will plan for. Is that
11 right?

12 A. (Crocker) That's right. What is the
13 most people, children, seen at the facility and that
14 was the planning basis for that.

15 Q. That is not the same as the 5 percent
16 absentee reduction rate, is it? You didn't say to
17 the other schools, "Tell us the most children you
18 have had at your schools and we will plan on that
19 basis"?

20 A. (Crocker) Understand, the difference
21 is when you call up a public school which has
22 hundreds of students, we just asked them for what is
23 your official enrollment and then applied the
24 reduction factors as we discussed. Nursery schools
25 are typically much smaller operations. They have

1 class sizes of anywhere between 5 to 30 to 40 and
2 60. Less than 100, anyway. The more direct
3 question was what is your largest population there
4 and that is what we planned for.

5 Q. That was your planning basis for the
6 nursery schools?

7 A. (Crocker) That's correct.

8 Q. You would agree with me, Mr. Crocker,
9 if were you to call up any of the public schools and
10 said to them, "Tell us the greatest number of
11 students you have ever had and we will plan for
12 evacuation on that basis," you would, in fact, may
13 well have had to plan to have more LERO school bus
14 drivers than is now the case?

15 A. (Crocker) Yes. If you went that way
16 you could get some differences. Essentially, when
17 we are dealing with large volumes of people, the
18 public school system, we used that percentage
19 reduction approach and made allowances in the plan
20 to cover any transients or perturbations, as we
21 discussed before.

22 Nursery schools are small shops on the
23 other hand. That is a single bus, sometimes two if
24 it is a large nursery school. We sized it to fit
25 their largest population. But because it is a small

1 thing, it was just a bus or two anyway. It is an
2 intuitive approach, but I think it is an adequate
3 planning basis.

4 Q. Mr. Crocker, the impression I am left
5 with when I hear this is that LILCO has taken this
6 difference in approach in planning so that it can
7 reduce the number of drivers and buses that may be
8 necessary to evacuate EPZ school children.

9 MR. CHRISTMAN: Objection. That is an
10 argument, not a question.

11 JUDGE GLEASON: He is asking if he
12 doesn't agree with him, I presume.

13 MR. MILLER: I am asking, it--I am
14 asking, Judge Gleason, if he doesn't agree with my
15 characterization. That is correct.

16 A. (Crocker) I don't agree with your
17 characterization.

18 Q. Mr. Crocker, are you waiting for me?

19 A. (Crocker) I'm sorry. Yes.

20 Q. That's fine.

21 Let me ask you, what was the approach
22 taken by LILCO with respect to the parochial and
23 private schools? Was it like the nursery schools or
24 were they like the public schools?

25 A. (Crocker) Hang on for a moment. I

1 will have to check.

2 I have to tell you, I don't know, Mr.
3 Miller. I don't remember.

4 Q. Is it safe to say, Mr. Crocker, it was
5 one or the other. Either you asked the parochial or
6 private schools for the peak attendance figures and
7 planned on that basis, or you took the average
8 absentee rate which you assumed to be 5 percent?
9 Was it one or the other?

10 A. (Crocker) I am sure it was one or the
11 other of those two. Let me check--I may have spoken
12 too swiftly. Let me check one other document that
13 may shed some light on that.

14 Bear with me a moment. I think I can
15 answer it. I just have to lay my hands on it.

16 I can answer the question. It took me
17 awhile to dig it up.

18 For the parochial schools, we used the
19 5 percent approach. And that is an exhibit--if you
20 want to see it, Exhibit K, the attachment.

21 Q. Mr. Crocker, am I correct that the
22 reduction of 5 percent was something LILCO did in
23 Revision 10, but that that was not done by LILCO in
24 Revision 9 to the LILCO plan?

25 A. (Crocker) For parochial schools?

1 Q. Yes, sir.

2 A. (Crocker) That is not my recollection.
3 I don't think we changed the approach.

4 MR. MILLER: Judge Gleason, at this
5 time I believe we are up to Suffolk County Exhibit
6 2. What we are going to mark as Suffolk County
7 Exhibit 2 are a number of exhibits from LILCO's Plan
8 Revision 9.

9 JUDGE GLEASON: All right.

10 MR. MILLER: The pages pertain to the
11 proposal to evacuate the school children.

12 JUDGE GLEASON: It will be marked
13 Suffolk County Exhibit 2.

14 (The document referred to was
15 marked for identification as
16 Suffolk County Bus Driver Exhibit
17 No. 2.)

18 MR. MILLER: In particular, Judge
19 Gleason, this exhibit is excerpts from procedure
20 OPIP 3.6.5, which I believe is the primary procedure
21 of LILCO's plan dealing with the evacuation of
22 school children.

23 Q. Mr. Crocker, let me make sure I am
24 right, first of all. The document I have handed to
25 you, which is a multi-page document, is, in fact,

1 excerpts from OPIP 3.6.5 of Revision 9 of LILCO's
2 plan. Is that correct?

3 A. (Crocker) Yes.

4 Q. Part of this document, Mr. Crocker,
5 includes Attachment 3-A, which is a six-page
6 document and is entitled, "Bus Assignment for School
7 Evacuation." Is that right?

8 A. (Crocker) Yes. 3-A is in there.

9 Q. If you look, Mr. Crocker, for example,
10 at the last page, page six of Attachment 3-A, I
11 assume I am correct that in Revision 9 at least
12 LILCO did not reduce the school populations of the
13 parochial and private schools by an average absentee
14 rate of 5 percent?

15 A. (Crocker) My understanding and my
16 belief is that we applied the 5 percent to that,
17 too. At least the bus numbers were got the same
18 way.

19 Q. Well, Mr. Crocker, if the reduction of
20 5 percent was applied, it certainly is not reflected
21 in the plan itself, Revision 9 of the plan, is it?

22 A. (Crocker) You are right. The table as
23 it is tabulated right here, would not lead you to
24 think that. It is internally inconsistent.

25 Q. Mr. Crocker, it is clear also, is it

1 not, that in Revision 10, the parochial school
2 populations were reduced by an average 5 percent
3 absentee rate?

4 A. (Crocker) Hang on.

5 Yes. In Revision 10 there is a 5
6 percent reduction in the school population to allow
7 for absenteeism.

8 It is interesting to note, though, the
9 number of busses didn't change.

10 Q. Mr. Crocker, I am curious about another
11 matter reflected in Attachment 3-A of the OPIP
12 3.6.5. If you look at the first page of that OPIP,
13 which would be--it says, page 48 of 75, page 1 of 6
14 for the particular Attachment 3-A. Again looking at
15 Suffolk County Exhibit 2.

16 A. (Crocker) The first page of this
17 attachment?

18 Q. First page of Attachment 3-A.

19 A. (Crocker) Yes, sir.

20 Q. If you look at the very first school,
21 Shoreham-Wading River School District, and you look
22 at the high school for that school district, it
23 appears to me, Mr. Crocker, that at least in
24 Revision 9 the high school population was reduced by
25 5 percent but not by the additional 20 percent. Is

1 that correct?

2 A. (Crocker) Yes. The difference between
3 the column "number of students enrolled," versus
4 "number of students requiring transport," appears to
5 be 5 percent.

6 Q. But, Mr. Crocker, in Revision 10, at
7 least the pages so far provided by LILCO, the
8 additional 20 percent reduction has, in fact, been
9 made for that high school. Is that correct?

10 A. (Crocker) I will find the attachment
11 and confirm it.

12 Q. Are you with me, Mr. Crocker?

13 A. (Crocker) Yes. I saw something I
14 didn't understand for a second. I realized what it
15 was.

16 Revision 10 has the same number of
17 students requiring transport--that is 367--

18 Q. We are looking at the high school, Mr.
19 Crocker.

20 A. (Crocker) Wading River High School?

21 Q. Yes. My revision 10 reflects 599 would
22 reflect transport?

23 A. (Crocker) Sorry. One line down.

24 Revision 10 does account for the 20
25 percent reduction.

1 MR. MILLER: Judge Gleason, just to
2 keep the records as clear as possible, at this time
3 we will mark for identification Suffolk County
4 Exhibit 3, which contains--which is comprised of
5 excerpts from Revision 10 regarding the school
6 evacuation proposal of LILCO's. These excerpts were
7 not attached to LILCO's supplemental testimony, but
8 separately provided by counsel for LILCO at the time
9 the supplemental testimony was filed if I have made
10 that clear.

11 JUDGE GLEASON: At the time the
12 supplemental testimony was filed?

13 MR. MILLER: Yes, sir. There was some
14 portions of Revision 10 not attached to the
15 supplemental testimony, but referenced by the
16 supplemental testimony that LILCO separately
17 provided.

18 JUDGE GLEASON: Have they been provided
19 to the Board?

20 MR. CHRISTMAN: No, because they
21 weren't part of testimony. But they were provided
22 just, you know, because we knew that the County
23 would complain if they didn't get it.

24 JUDGE GLEASON: I see.

25 MR. MILLER: We will mark it as an

1 exhibit so the Board will now have it.

2 JUDGE GLEASON: It will be marked
3 Suffolk County Exhibit 3.

4 The suggestion has been made--does
5 anyone see the necessity for marking these exhibits
6 remand to keep them from being confused with other
7 exhibits?

8 MR. MILLER: We would have no problem
9 with that. You want to call it Suffolk County
10 Remand Exhibit?

11 MR. CHRISTMAN: I would call it Suffolk
12 County Exhibits B.D., bus driver, 1, 2, and 3
13 because you will have Hospital ETE Exhibit 1 and
14 Realism Exhibit 1.

15 JUDGE GLEASON: Why don't we do that.
16 On all of the exhibits put Bus Driver Exhibit 1, 2
17 and 3, that would be helpful.

18 (The document referred to was
19 marked for identification as
20 Suffolk County Bus Driver Exhibit
21 No. 3.)

22 Q. What we have marked as Suffolk County
23 Bus Driver Exhibit 3, are two portions of Revision
24 10 not attached to the supplemental testimony of
25 LILCO. In particular, Attachment 3-A of OPIP 3.6.5

1 and Attachment 11 of OPIP 3.6.5. Is that correct?

2 A. (Crocker) Yes, it is.

3 Q. The cover page to Exhibit 3 is, in
4 fact, the cover letter provided to counsel for the
5 Government by counsel for LILCO. It is really kind
6 of extraneous, but I guess it is already there.

7 JUDGE GLEASON: Did you mention the
8 pages from those?

9 MR. MILLER: It is comprised of
10 Attachment 3-A of OPIP 3.6.5, which is comprised of
11 6 pages. It is also comprised of Attachment 11 to
12 OPIP 3.6.5, which that attachment is comprised of 3
13 pages. There is a total of 10 pages including the
14 cover letter.

15 JUDGE GLEASON: Thank you.

16 Q. What we have just established, Judge
17 Gleason, if you look at the first page of Attachment
18 3-A to Revision 10, Shoreham-Wading River High
19 School population in Revision 10 had been reduced by
20 the 5 percent absentee rate plus the 20 percent high
21 school reduction rate, which was a matter not
22 reflected in Revision 9. That was the clarification
23 point we have just been discussing.

24 Q. Mr. Crocker?

25 A. (Crocker) Yes, sir.

1 Q. The planning basis for LILCO's school
2 evacuation proposal also assumes that you would load
3 40 students per bus for high schools and 60 students
4 per bus for the lower grades as reflected on page 51
5 of your testimony. By "lower grades," I assume you
6 mean the junior high, middle schools and elementary
7 school students. Is that correct?

8 A. (Crocker) Yes.

9 Q. At one time LILCO had used a planning
10 basis of 50 students per bus. Is that right?

11 A. (Crocker) Earlier on when we developed
12 this plan, yes, that was the number we used.

13 Q. In fact, in an affidavit prepared by
14 you in support of LILCO's motion for disposition on
15 this issue, that motion filed October 22, 1987, the
16 planning basis used was 50 students per bus. Is
17 that right?

18 A. (Crocker) That is my recollection. I
19 have to see the document to be sure, but I think you
20 are right.

21 Q. Mr. Crocker, it is true, is it not,
22 that a planning basis of 60 students per bus for the
23 lower grades and 40 students per bus for the high
24 school, results in needing fewer drivers and buses
25 than a planning basis of 50 students per bus?

1 A. (Crocker) Yes. Given there are more
2 lower grade students, the answer is necessarily yes.

3 Q. You state in your testimony that these
4 bus capacities, meaning the 60/40 loading capacity,
5 I will call them, are standardly applied in the
6 industry. Which industry are you referring to?

7 A. (Crocker) The school bus industry.

8 Q. Now, is it your testimony, Mr. Crocker,
9 that schools routinely and standardly apply or load
10 60 students per bus for junior high school, middle
11 schools and elementary schools?

12 A. (Crocker) No. It is my testimony that
13 the buses can legally handle that capacity. Schools
14 may or may not elect to follow those numbers. But
15 if you look on the side of your average school bus,
16 it will say capacity either 60 or 66 children,
17 depending if it is a 20 or 21 seat bus. And it will
18 say 40 or 44 adults and usually it will say
19 something like 6 to 12 people standing. Plus, my
20 people had talked to school bus company owners and
21 tell us the owners say that is the capacity of the
22 buses. New York State seems to agree with the
23 owners. I can't speak to what the schools do.

24 Q. Unfortunately, Mr. Crocker, perhaps you
25 haven't read Suffolk County's testimony, but let me

1 ask you this: Are you aware of policies in place
2 among the school districts within the EPZ, that
3 school districts would not load more than 40
4 students per bus for a trip over 10 miles? I will
5 add that last clause.

6 A. (Crocker) I read something to that
7 effect, either in their testimony or one of the
8 depositions. I am familiar with the idea.

9 Q. Are you aware of the reasoning of the
10 school districts that stands behind that policy?

11 A. (Crocker) Only I can conjecture it
12 might be comfort, but there may be more to it. I
13 don't know.

14 Q. It could be safety?

15 A. (Crocker) I don't know.

16 Q. Is this something LILCO looked into?

17 A. (Crocker) The policies of the schools?
18 No, we did not. We accepted standard capacities of
19 the buses as rated by the State and standardly used
20 by the bus companies.

21 Q. Mr. Crocker, can you envision a
22 situation where an overloaded bus would pose a
23 dangerous situation?

24 A. (Crocker) If by "overloaded" you mean
25 they are exceeding the rated capacity, I imagine

1 that could be a problem.

2 JUDGE SHON: Mr. Miller, before you go
3 on farther, I would like to ask one question. The
4 point at issue here is the number of buses and,
5 hence, bus drivers that are needed. I notice that
6 although between Revision 9 and Revision 10
7 Shoreham-Wading River High School, for example,
8 shrunk from 749 to 599 in the students requiring
9 transport, which is the 20 percent you were talking
10 about; they still required 15 buses. And that seems
11 also to be true for Rocky Point Junior/Senior High
12 School, where the number of students went down but
13 the number of buses remained the same, at 23.

14 So that it seems that when you
15 changed--when you made this 20 percent correction in
16 the high school, at least in those two cases, it
17 didn't result in any change of buses.

18 WITNESS CROCKER: I was struggling with
19 the same difficulty, your Honor, and I can
20 conjecture, because I didn't prepare these tables
21 myself, that maybe my staff did the original
22 calculations based on the 2 percentage of 5 and then
23 20, but only reported in the first table in Revision
24 9 the 5 percent reduction, which is an internal
25 inconsistency in that table.

1 As I was sitting here, I was going
2 through the same numbers and I noticed that buses
3 didn't change. So, the resources are there.

4 JUDGE SHON: That is the way it looked
5 to me. I only looked at two of them. Since it is
6 the buses that we are interested in, is the 20
7 percent important if it didn't affect that, I guess
8 is what I am asking.

9 WITNESS CROCKER: It is the same number
10 of buses, sir.

11 MR. MILLER: Judge Shon, I would have a
12 little different response. I am not here to defend
13 LILCO's plan. Far from it. I do believe that any
14 plan should be accurate and should be consistent and
15 should be put together in a way which shows some
16 thought and reasoning. I am bothered when I see
17 glitches--not just glitches. I see mistakes
18 continually occurring throughout all the revisions
19 of LILCO's plan we have seen.

20 You are right. In the cases you point
21 out, sir, although they didn't follow their own
22 planning basis for reducing school populations, the
23 result was that the number of buses applied to the
24 schools didn't change. But I will give you another
25 example where there is a difference.

1 If you look, Judge Shon, at page 6 of 6
2 of what has been marked Suffolk County Bus Driver
3 Exhibit 3, which reflects the nursery schools,
4 including a nursery school called World of Children
5 Preschool--looking at page 6 of 6 of Attachment 3-A.
6 This is Exhibit 3.

7 JUDGE SHON: I have it.

8 MR. MILLER: This is Revision 10. This
9 is the most recent update of LILCO's plan which has
10 not yet even been formally released. I see for
11 World of Children Preschool they are indicating 60
12 students for that preschool. If you go to LILCO's
13 own testimony that has been submitted to this Board
14 and look at Attachment K to that testimony, the
15 testimony reflects that there is a population of
16 that school of 100 children, 100 children summer
17 population, but that is something LILCO must
18 obviously plan for.

19 So we have an inconsistency between the
20 testimony and the plan, a plan which is yet to even
21 be released. Those inconsistencies bother me and I
22 think would bother any planner. I am not going to
23 take the time, obviously, to point them all out to
24 this point. Once the documents go into the record,
25 they will speak for themselves. But they are there.

1 Believe me.

2 Q. I guess I should ask you, Mr. Crocker,
3 though, if you have an explanation for that
4 inconsistency?

5 A. (Crocker) The one dealing with the
6 World of Children?

7 Q. That is one I picked out. It is World
8 of Children Preschool, page 6 of 6, Attachment 3-A,
9 OPIP 3.6.5 on the document marked Suffolk County
10 Exhibit 3, reflecting 60 students. But your own
11 testimony, Attachment K indicates that summer
12 population would be as many as 100 students.

13 A. (Crocker) Attachment 3-A, page 6 of 6?
14 I can't find it.

15 Q. I am talking, Mr. Crocker, about
16 Exhibit 3.

17 A. (Crocker) This is what you just gave
18 me--I'm sorry. I was buried in the wrong exhibit.

19 Q. Look at page 6 of 6 of Attachment 3-A.
20 World of Children Preschool, where it is indicated
21 there are 60 students enrolled and 60 students will
22 require transportation in the event of a Shoreham
23 emergency.

24 A. (Crocker) That's right.

25 Q. I ask you to look Attachment K to your

1 own testimony which indicates that there could be a
2 summer population of as many as 100 students.

3 A. (Crocker) That's right.

4 Q. I assume you would agree with me that
5 is an inconsistency. Is that correct?

6 A. (Crocker) Actually, no, because if you
7 look at the first line for World of Children, it
8 does have the same 60 numbers that are in your
9 exhibit here. During the summer we would handle
10 this--remember, public schools are to a great
11 extent out. It is summer vacation. This--we have
12 that reserve of buses out of Patchogue again.
13 Rather than mobilize--what is the number? 509 buses
14 and 613 total LERO drivers, this is best handled out
15 of Patchogue on an individual case basis. So, two
16 buses out of Patchogue will knock this one off.

17 Q. Mr. Crocker, this is very interesting.
18 You are telling me that depending on the time of
19 year, summer versus winter, that some of your school
20 bus driver evacuation procedures are implemented out
21 of one facility and other times of the year at
22 different facilities; one time of the year some
23 people, other times of the year different people?

24 A. (Crocker) Obviously. The school is a
25 seasonal process. That is no surprise to anybody.

1 Q. Do you have a summer LILCO plan versus
2 a LILCO winter plan?

3 A. (Crocker) It is not explicitly
4 described that way, but there are other
5 considerations or situations in which we will use
6 our judgment and not mobilize the entire program.

7 For example, if we are told that every
8 public school district has accepted a recommendation
9 for early dismissal so that they are in the early
10 stages of an emergency, sending the children home,
11 yet we find that for some--it is unnecessary to
12 specify what the reason is, but for some reason, a
13 number of nursery schools, for example, elect not to
14 dismiss early, then we would handle those using the
15 smaller reserve of Patchogue buses rather than
16 mobilize this entire fleet to handle a very small
17 fraction of the school population. It is just a
18 better use of resources.

19 JUDGE SHON: Mr. Crocker, is it not
20 also true that if we look at only the point at issue
21 here, the number of buses or bus drivers you need
22 for a school that contains either 60 or 100 at the
23 capacities you have selected for your buses, you
24 need two buses and two only, regardless of which the
25 number is. Isn't this correct?

1 THE WITNESS: Yes, sir. I am
2 embarrassed I didn't catch that.

3 JUDGE SHON: Whether it is 60 or 100
4 doesn't make any difference in the buses, and it is
5 the buses we are interested in?

6 THE WITNESS: Absolutely right.

7 MR. MILLER: Judge Gleason, would this
8 be a good time?

9 JUDGE GLEASON: Yes. Let's take 10
10 minute break.

11 (Brief recess.)

12 JUDGE GLEASON: Please proceed.

13 MR. CHRISTMAN: Judge Gleason, if I may
14 interrupt, I can do this on redirect if you prefer.
15 The witness checked with his staff who also noted
16 one of the discrepancies discussed before the break
17 was just a blur, we think, from telecopy and he can
18 clear up a couple of things now and make for a
19 better record. It is up to you.

20 JUDGE GLEASON: In connection with what
21 we have been going over?

22 MR. CHRISTMAN: All the numbers. Yes.

23 JUDGE GLEASON: What is your
24 preference?

25 MR. MILLER: I don't think I have an

1 objection.

2 JUDGE GLEASON: Go ahead and clear it
3 up.

4 MR. CHRISTMAN: Mr. Crocker, are you
5 waiting for--

6 WITNESS CROCKER: Sorry. I thought you
7 were redirecting me.

8 MR. CHRISTMAN: You made some phone
9 calls at the break. Can you clear up any of the
10 number questions we were talking about before the
11 break?

12 WITNESS CROCKER: Yes. As soon as we
13 got out of here I called my staff and said, "What
14 did you do to me?" It turns out they acknowledge
15 there is a typo in there and the fact that the basis
16 I described to you for the high schools, the 5
17 percent and 20 percent was consistently applied in
18 REV 9, REV 10.

19 We talked about Shoreham-Wading River
20 High School which there is a discrepancy between the
21 two versions. REV 10, which has 599 students
22 requiring transport is correct. That is the same
23 number that was used as the basis for the bus
24 calculation in REV 9. Just when we were typing the
25 table, they went one column too far to the left and

1 put in the wrong number. I would thank them to tell
2 me about the typos first before they send me up
3 here.

4 JUDGE GLEASON: Excuse me. On Suffolk
5 Exhibit 3, under the Shoreham-Wading River High
6 School, that number is correct, did you say?

7 WITNESS CROCKER: I failed to label the
8 exhibits, so is No. 3 the May 6th letter?

9 JUDGE GLEASON: Yes.

10 WITNESS CROCKER: Okay. The number in
11 there for Shoreham-Wading River High School, under
12 number of students requiring transport, it reads
13 599. That is the correct number. And that is the
14 number that should have been the same location in
15 Revision 9 to the plan.

16 JUDGE GLEASON: On Revision 9 where it
17 reads 749, that should have been 599?

18 WITNESS CROCKER: Yes, sir. If you go
19 down the list and look at the other high schools in
20 which the same reduction factors would be applied,
21 those numbers, in fact, correspond to each other
22 between REV 9 and REV 10. The only one that might
23 raise an eyebrow is--there is a telecopied version
24 of REV 10 here where 988 looks like the 66, but I
25 think that is just blurry telecopying. It is 988

1 all across the board.

2 Further, as soon as I started asking
3 about that particular problem, if you turn to page 6
4 of 6 in Attachment 3-A, in Revision 9--

5 JUDGE GLEASON: Which page did you say?

6 WITNESS CROCKER: The same table, page
7 6 of 6. I guess it is County Exhibit 2; which is
8 Revision 9. There are three parochial schools
9 listed on that page, St. Isadore, Infant Jesus and
10 North Shore Christian. You will notice on the REV 9
11 version, there is no difference between the number
12 of students enrolled and number of students
13 requiring transport. If you go to REV 10, you will
14 see that there is indeed a difference, a five
15 percent reduction.

16 JUDGE GLEASON: What page is that on
17 10?

18 WITNESS CROCKER: I'm sorry. It is
19 page 6 of 6.

20 JUDGE GLEASON: 6 of 6 again?

21 WITNESS CROCKER: The same table. The
22 page looks a little different.

23 JUDGE GLEASON: Okay.

24 WITNESS CROCKER: You see the numbers
25 in the number of students requiring transport column

1 differ. It is because in REV 9 they made the same
2 mistake typing it they did with Shoreham-Wading
3 River. They put the wrong numbers in there. They
4 did, in fact, apply the five percent reduction. The
5 population didn't reflect it. The bus numbers
6 reflected it but not the population numbers.

7 JUDGE GLEASON: Is the same true with
8 respect to Infant Jesus School, all three schools?

9 WITNESS CROCKER: All three of the
10 parochial schools.

11 JUDGE GLEASON: It should be 227?

12 WITNESS CROCKER: I am embarrassed
13 about the typing mistakes, but the basis for the
14 calculation was consistent.

15 JUDGE GLEASON: Does that conclude your
16 correction?

17 WITNESS CROCKER: Yes, sir.

18 BY MR. MILLER:

19 Q. Mr. Crocker, with respect to the
20 planning basis used by LILCO for a number of
21 students that would be put on the basis carrying the
22 students out of the EPZ, I assume that LILCO assumes
23 that all the buses used to evacuate school children
24 would be the full size, 20 or 22 seat buses. Is
25 that correct?

1 A. (Crocker) Yes, sir.

2 Q. Now, Mr. Crocker, with respect to the
3 buses under contract to the school districts which
4 LILCO assumes would be made available to it, are you
5 aware or is LILCO aware of the fact that a number of
6 those buses are not full-capacity buses but, rather,
7 are five-seat or ten-seat buses?

8 A. (Crocker) Yes. We are aware that in
9 addition to full-size buses they use minibuses or
10 even vans.

11 Q. With respect to your statement earlier,
12 Mr. Crocker, when you testified that of the 301
13 regular school bus drivers, it is assumed by LILCO
14 that there would, therefore, be made available 301
15 buses. It is not a fact that in its planning basis,
16 LILCO has assumed that those 30 buses are
17 full-capacity buses?

18 A. (Crocker) No. That is not true.

19 Q. I gather, Mr. Crocker--I thought you
20 were about to tell me why my statement is
21 inaccurate?

22 A. (Crocker) I'm sorry, Mr. Miller?

23 Q. Could you now tell me why?

24 A. (Crocker) The data in terms of
25 available buses wasn't linked to the number of

1 drivers. Obviously, many of the school bus
2 companies--let's postulate one has 100 drivers on
3 contract. It doesn't mean they all drive full-size
4 buses. You can't make that assumption. Some drive
5 vans, some drive something else. The 301 we are
6 counting on are the ones that drive real buses.

7 Q. Mr. Crocker, I thought you told me
8 earlier that you would need 509 school bus drivers
9 and buses to evacuate the entire EPZ school
10 population?

11 A. (Crocker) Yes, sir. I did.

12 Q. Of that 509, 301 of those buses are the
13 buses normally under contract to the EPZ school
14 districts. Is that correct?

15 A. (Crocker) There are 301 full-size
16 buses under contract. In addition, there are vans
17 and things of that sort.

18 Q. Okay. That may be our point of
19 disagreement.

20 What is your understanding based upon
21 when you tell me that there are 301 full-size buses
22 available to the school districts?

23 A. (Crocker) My staff's talking to the
24 bus companies, and essentially we conducted a survey
25 of the bus companies early on and we also, to the

1 extent that some of the bus companies won't talk to
2 us, we went out and counted buses outside the
3 noncooperative companies and schools.

4 Q. Let me see if we can clarify this a
5 little bit, Mr. Crocker. Attachment L to your
6 testimony is a listing entitled, "Regular Bus
7 Drivers Employed By Or On Contract To School
8 Districts In The Shoreham 10 Mile EPZ." Do you have
9 that attachment?

10 A. (Crocker) Yes, I do.

11 Q. Now, let's look for a moment at
12 Riverhead Central School District. Your attachment
13 indicates there are 47 regular school bus drivers
14 for that school district. Correct?

15 A. (Crocker) Yes, it does.

16 Q. Is it not also correct that LILCO
17 assumes as a planning basis that that 47--that
18 number of 47 bus drivers is equivalent to 47
19 full-size buses for that school district?

20 A. (Crocker) I would have to go check the
21 tables to see how many buses we assigned to
22 Riverhead. I haven't got the number in my head.

23 Q. Which table are you referring to, Mr.
24 Crocker?

25 A. (Crocker) Let me find it and I will

1 tell you. Give me a second, there is too much
2 information flying around here.

3 If you turn to Attachment 3-A, the one
4 we were just going over--

5 Q. You want us to look Attachment 3-A of
6 Revision 10 or 9?

7 A. (Crocker) Use REV 10.

8 Q. Because we are looking at Suffolk
9 County Bus Driver Exhibit 3. You want us to look at
10 page four of page six of that Attachment 3-A?

11 A. (Crocker) Yes. This column, if you
12 look under the Riverhead Central School District, it
13 has listed 47? Is that right? Yes. 47 buses that
14 normally service that school.

15 Q. So, I am correct that if you look at
16 Attachment L to your testimony, where you have
17 listed 47 regular school bus drivers for Riverhead
18 School District, it is assumed by LILCO in planning
19 to implement the school evacuation proposal that
20 there are 47 full-size buses available to the 47
21 drivers. Correct?

22 A. (Crocker) Not just on the basis of the
23 drivers. We have conflicting data that shows how
24 many drivers are actually employed by that company.
25 For example, in discovery, New York State told us

1 Riverhead Central School District had 52 drivers.
2 Suffolk County, I don't know if it was testimony or
3 discovery, but Suffolk County data, to my notes
4 here, said there were 47 drivers plus 6 substitutes,
5 which comes up to 53, which agrees pretty closely.
6 So it turns out Riverhead has more drivers than we
7 assumed they do.

8 Q. But with respect to your planning
9 basis, Mr. Crocker, as set forth in Attachment 3-A
10 to Revision 10, Attachment 3-A to OPIP 3.6.5, you
11 have assumed 47 full-capacity buses for the
12 Riverhead School District. Correct?

13 A. (Crocker) We credit them with 47
14 buses.

15 Q. Are you aware of the fact that
16 Riverhead only, in fact, has 38 full-size buses?

17 A. (Crocker) No. I don't know that.

18 Q. That is discussed in the County's
19 testimony which will be discussed next week.

20 Let me ask about one other, Mr.
21 Crocker. The Longwood Central School District, if
22 you look at Attachment L to your testimony, you
23 indicate 94 regular school bus drivers for the
24 Longwood Central School district. Do you see that,
25 sir?

1 A. (Crocker) Yes.

2 Q. Again, if you look at Attachment 3-A to
3 Revision 10, which is included as part of Suffolk
4 County Exhibit 3, in particular, page 2 of page 6 of
5 that attachment, you will see that LILCO, as a
6 planning basis, assumes there would be 94
7 full-capacity buses available to the Longwood
8 Central School District, so that the 94 bus drivers
9 in Attachment L relates on a one-to-one basis to 94
10 full-capacity buses. Is that correct?

11 A. (Crocker) Yes. There is 94 of each.

12 Q. Now, are you aware of the fact that the
13 Longwood Central School District has available to it
14 only 89 full-capacity buses?

15 A. (Crocker) That--I have got a little
16 note here that says they have, as you say, 89 big
17 buses, full capacity, and again a number of smaller
18 vans. I think what I want to tell you at this point
19 is these are the school bus companies that we could
20 not get a lot of data from, because it's essentially
21 an adversarial relationship. What we are telling
22 you here, is that if we discovered these are short
23 or there is more of them, we will make up the
24 difference.

25 What we are saying is, that LILCO is

1 committing to having an adequate number of buses.
2 If we get better information from the EPZ, schools
3 like Riverhead or school bus companies that don't
4 talk to us and it turns out there are fewer, we will
5 replace them.

6 Q. Mr. Crocker, if I recall something
7 mentioned yesterday, the bus company that serves the
8 Longwood School District is Suburbia Bus Company.
9 Is that correct?

10 A. (Crocker) I'd have to check.

11 Yes. It is correct.

12 Q. Suburbia Bus Company is one of the
13 companies LILCO has been talking to; is it not?

14 A. (Crocker) It is, indeed, sir.

15 Q. Yet you characterize relationships with
16 that bus company as not being good?

17 A. (Crocker) I just did--in fact, that is
18 who I just did, thinking it was Adelwerth that was
19 the company involved. I made a mistake and you're
20 right.

21 Q. The conflict in the data between what
22 is, in fact, the case as to the number of buses
23 available to that school district, Longwood School
24 District, and what is reflected in LILCO's plan,
25 really cannot be blamed upon bad relationships

1 between LILCO and Suburbia Bus Company, I assume?

2 A. (Crocker) Not terms of Suburbia data,
3 no. In terms of Adelwerth, Harborview and the
4 Riverhead School District, yeah, it would help if we
5 had better data.

6 But the point still remains, every year
7 we are going to have to reevaluate how many students
8 are out there because school populations change.
9 And every year we are going to have to reallocate
10 the buses to the extent we are short. To meet the
11 commitment as we define in our testimony, we will
12 have to produce more buses.

13 Q And, Mr. Crocker, not just more buses
14 but, of course, more drivers?

15 A. (Crocker) Obviously.

16 As long as this plan is in place, this
17 will have to be an annual program in order to match
18 the changing demographics of the EPZ. It is a
19 burden we will have to bear.

20 Q. Mr. Crocker, the information reflected
21 on page 51 of your testimony, that there are
22 approximately 301 regular school bus drivers
23 contracted to or employed by the school districts,
24 can you tell me just briefly the basis for that
25 information or that data?

1 A. (Crocker) I'm sorry. What page are
2 you on, counsel?

3 Q. Page 51, answer 49, to your testimony.

4 A. (Crocker) The basis for the data is
5 our discussions--well, it came from a number of
6 sources. It came from some of the schools, notably
7 Shoreham-Wading River, and our discussions with the
8 bus companies, those that will talk to us. We
9 got--never mind. That is extraneous.

10 Q. Mr. Crocker, you have told us that you
11 have not talked to all the bus companies that
12 serviced EPZ schools, and I assume Shoreham-Wading
13 River could just speak for itself. So how did LILCO
14 come to the conclusion that this number of 301 is an
15 accurate number of regular school bus drivers?

16 A. (Crocker) I am not sure precisely how
17 my staff got the numbers for the three companies I
18 would characterize as noncooperative. I know there
19 were times when we were able to talk to them and it
20 may have been on information we got at that point.
21 To answer it any better, I have to go back and ask
22 my staff.

23 Q. Mr. Crocker, bear with my recollection
24 on this matter. At the time we went for summary
25 disposition on this issue, LILCO stated it was its

1 understanding there were approximately 340 regular
2 school bus drivers and then you and I had a session
3 that lasted a day where I deposed you.

4 A. (Crocker) I remember it well.

5 Q. And you told me, you believed the
6 number of regular school bus drivers had changed to
7 about 356. Then Revision 9 of the LILCO plan was
8 released and Revision 9 indicated there were about
9 324 regular school bus drivers. Then we had LILCO's
10 testimony dated April 13th of this year, your
11 testimony before the Board today, and that testimony
12 stated there were approximately 301 regular school
13 bus drivers.

14 I come to this question in my mind,
15 which is how did LILCO reach determinations as to
16 the approximate number of regular school bus drivers
17 and why does it keep varying?

18 A. (Crocker) I saw the same trend and I
19 was alarmed it was going down, because it makes it
20 more difficult for me because it means I provide
21 more drivers. The original numbers--I don't hold
22 the dates in my mind. I can talk generally.

23 The original numbers were based on
24 estimates my staff made for places like Riverhead.
25 As we discussed in that deposition, some of those

1 numbers didn't stand close scrutiny by us and we
2 modified them. Unfortunately, they always went
3 down. Ultimately, we ended up with the present
4 figure of 301. That is our best estimate as it
5 stands right now. If we get better data, we will
6 adjust it upwards or downwards again.

7 Q. Are you confident right now, Mr.
8 Crocker, that the number 301 is an accurate number
9 that can be relied upon?

10 A. (Crocker) I am confident that it is
11 the best I can do with the information I have got
12 available to me. If three bus companies would talk
13 to me, I could nail this down very precisely and
14 would be glad to do so.

15 Q. Mr. Crocker, if you go back with me to
16 our conversation regarding the assumptions in
17 LILCO's planning basis for the number of drivers
18 from the regular school districts and the number of
19 buses from those districts, I assume you would agree
20 with me that if LILCO's planning basis has assumed
21 that there would be 301 full-capacity buses
22 available to LILCO by the school districts in the
23 event of a Shoreham emergency and if, in fact, there
24 are fewer than that number of buses available to
25 LILCO by the school districts, then in fact, LILCO

1 needs to come up with even more buses than it is now
2 anticipating would be the case. Is that correct?

3 A. (Crocker) Yes. If the number of
4 school buses in the EPZ are lower than what we
5 believe them to be, then I would have to offset that
6 with what we characterized as the buses driven by my
7 primary drivers. It is clear.

8 Q. And at this time, Mr. Crocker, is it
9 fair to say that LILCO would not have the resources
10 to do that?

11 A. (Crocker) No. What our commitment is,
12 is to have the requisite number of buses. Up to
13 now, we have been pursuing the buses on a
14 contractual basis from existing bus companies. If
15 we exhausted that supply--I am not sure that we have
16 yet--we would end up buying buses if we had to, if
17 there is no other way to do it. Obviously, that
18 would be the course of last resort, but we'd have a
19 bus.

20 Q. Mr. Crocker, on page 52 of your
21 testimony, actually starting at the bottom of the
22 previous page, you talk about the fact that LERO
23 provides all transportation for the nursery schools
24 in the EPZ. We previously mentioned these nursery
25 schools and the fact that LILCO is now aware of

1 eight nursery schools that were not mentioned in
2 Revision 9 of its plan. Your testimony goes on to
3 state that "one nursery school recently told LILCO
4 that it would provide its own transportation."

5 A. (Crocker) Yes.

6 Q. I don't need to know the name of the
7 nursery school, Mr. Crocker, but what were the
8 reasons why this school decided it would provide its
9 own transportation?

10 A. (Crocker) Frankly, I don't know the
11 reason. I wasn't the person that talked to them.
12 But the report came back from my staffperson who
13 said that the school would provide all its resources
14 for transportation and felt they didn't need LERO
15 support.

16 Q. It is your understanding, Mr. Crocker,
17 though, that the other 23 nursery schools in the EPZ
18 will rely upon LILCO to transport its students in
19 the event of a Shoreham emergency?

20 A. (Crocker) I can safely say that we
21 will offer to all those schools the buses that we
22 list in the plan. I know my staff talks to most of
23 these schools on a fairly regular basis. I can't
24 say that every one of them here has come out and
25 said, "Yes, we are going to use your bus," but we

1 will make available these resources to them, as much
2 as we do the buses to other schools.

3 Q. Mr. Crocker, Attachment K to your
4 testimony, which again, we also mentioned earlier
5 today. First of all, Attachment K reflects on a
6 school-by-school basis, all the schools within the
7 EPZ including the nursery schools. It reflects
8 LILCO's understanding of school populations and then
9 shows the calculations reducing the high school by
10 the further 20 percent we talked about, and
11 indicating in the last column to the right the buses
12 that would be needed to evacuate each particular
13 school. Is that a fair description of the
14 attachment?

15 A. (Crocker) Yes. The only small
16 correction I would make, is the five percent
17 reduction, we did not apply those to the nursery
18 schools.

19 Q. Okay. Thank you.

20 Does Attachment K reflect any updated
21 information that was learned by LILCO when it did
22 its survey last month?

23 A. (Crocker) Are you referring to the
24 school population survey?

25 Q. The school population survey.

1 A. (Crocker) My belief, and I have to
2 check with another table, is that the school
3 population numbers listed in Attachment K are the
4 same as those from the original July survey of last
5 year.

6 You recall I said that the survey we
7 did last month essentially corresponded very well to
8 the original July survey. So my recollection is we
9 didn't change it. If you give me a moment and I can
10 find the attachment, I can confirm that.

11 Q. Can you just tell me, Mr. Crocker,
12 while you are looking, when in April was the
13 telephone survey update performed? Do you recall?
14 Was it early April?

15 (Pause.)

16 Q. Before the testimony was prepared?

17 A. (Crocker) The testimony was prepared
18 April 13th--well, it was filed the 13th, so it was
19 prepared before that. I don't recollect.

20 Q. Okay.

21 A. (Crocker) It is about April but any
22 more than that, I am not sure.

23 Mr. Miller, I just confirmed that in
24 Attachment K, the data that is presented for school
25 population is indeed that from last July, not the

1 recent April survey.

2 Q. Is it your testimony, Mr. Crocker, that
3 if the figures for school population reflected in
4 Attachment K were updated to reflect the information
5 learned by LILCO last month, that that would have no
6 impact on the data set forth in Attachment K?

7 A. (Crocker) If you are asking me will
8 the different population data change the number of
9 buses, which is I think what your question boils
10 down to, I can say it would have a minimal change.
11 I can do a calculation and confirm it.

12 I think my overall position is this,
13 though: We are committing to, every year, meaning
14 the school year, consult with the schools and
15 determine what their latest population is and then
16 adjust everything that falls out of that
17 accordingly. Given that we are doing these hearings
18 in May, there didn't seem to be a lot of sense to go
19 through and redo everything again just for the sake
20 of discussions here in this litigation when school
21 is going to end next month. I was content to follow
22 the original numbers, which are very close to the
23 latest and not go through the additional gyrations.

24 Q. Mr. Crocker, some information regarding
25 school populations was provided by Suffolk County in

1 discovery, and we have discussed that--

2 A. (Crocker) Yes, sir.

3 Q. I guess you have indicated to that me
4 that LILCO chose to disregard that information and
5 relied on its own sources for data regarding school
6 populations?

7 A. (Crocker) Well, candidly, we relied on
8 New York State information because it was close to
9 complete. What we saw in the Suffolk County
10 information was, to the best of my knowledge,
11 limited to data representing the districts from
12 which you have witnesses in your panel. Further,
13 some of the data, for example, Longwood Central
14 School District, the data we got from Suffolk County
15 says approximately 10,000 students. It is no more
16 accurate than that. New York State gave me 8,515,
17 and my records of the two surveys show yet another
18 more detailed number. Rather than rely on an
19 approximate number, I went to the more solid
20 information.

21 Q. Mr. Crocker, let's look at page three
22 of Attachment K, which is the Mt. Sinai School
23 District. It includes Mt. Sinai School District.
24 And one of the witnesses that will be testifying
25 next week for Suffolk County is a Board of Education

1 member of that school district.

2 Now, Mr. Crocker, it is true, is it
3 not, that LILCO was told during discovery by Suffolk
4 County that the population of the Mt. Sinai School
5 District is 2,232 students?

6 A. (Crocker) What was the number again?

7 Q. 2,232.

8 A. (Crocker) For the Mt. Sinai School
9 District? I have two schools in the EPZ in that
10 district, and my notes here tell me that--and to the
11 extent that people pulled out the information, I am
12 bound by that. My notes say Suffolk County said it
13 was 1,660. I don't have your 2,200 number. We said
14 it was 1,814. New York State said 1,644. Suffolk
15 County said 1,660. My subsequent survey said it was
16 1,660.

17 MR. MILLER: Judge Gleason, I am going
18 to mark for identification as Suffolk County Bus
19 Driver Exhibit 5 a discovery response by Suffolk
20 County dated April 12, 1988, entitled "Suffolk
21 County's Fifth Supplemental Response to LILCO's
22 First Set of Interrogatories and Requests for
23 Production of Documents Regarding Role Conflict of
24 School Bus Drivers."

25 MS. YOUNG: Did you mean Exhibit 4 or

1 have you identified an Exhibit 4?

2 MR. MILLER: Exhibit 4.

3 JUDGE GLEASON: The exhibit will be
4 marked Suffolk County School Bus Driver Exhibit 4.

5 (The document referred to was
6 marked for identification as
7 Suffolk County School Bus Driver
8 Exhibit No. 4.)

9 MR. MILLER: This is a three-page
10 document with a three-page certificate of service
11 attached.

12 Q. Mr. Crocker, do you recall, have you
13 ever seen this document before that we have marked
14 Suffolk County School Bus Driver Exhibit 4?

15 A. (Crocker) I believe I have. It is the
16 fifth, at least the fifth in a series of documents.
17 I would say I have seen this probably.

18 Q. On page two of the exhibit, Mr.
19 Crocker, very precise and particular information is
20 provided regarding the school enrollment figures for
21 Mt. Sinai School District. It is broken down by
22 schools and I believe if you total the numbers
23 provided you get my 2,232.

24 A. (Crocker) You have some larger numbers
25 than I have, but I am checking one thing to see if I

1 can reconcile the difference.

2 MR. CHRISTMAN: I will object. I am
3 not sure I heard a question, but I think Mr. Miller
4 described his pleading and asked Mr. Crocker,
5 probably, is that really what it says. My objection
6 is, I don't see any reason to be cross-examining on
7 a Suffolk County pleading. I know what the point of
8 the questioning is, that this is a document filed
9 the day before our testimony was filed. Dated April
10 12th. The testimony is April 13th. I am sure Mr.
11 Miller is trying to ask in his own way why didn't
12 you take Suffolk County's answers to LILCO's
13 interrogatories filed the day before the testimony
14 was filed and somehow change your plan?

15 I think that question, which is what he
16 is trying to ask, has no place in the proceedings,
17 is incompetent and, frankly, is a waste of the
18 Board's time.

19 MR. MILLER: Judge Gleason--

20 JUDGE GLEASON: Mr. Christman, you can
21 clear up those problems on redirect, can't you?

22 MR. CHRISTMAN: I see no need to. Why
23 should this Board be considering whether--if Suffolk
24 County were engaged in planning, they could very
25 well have given LILCO the numbers and it could have

1 been included in REV 9 or 8.

2 JUDGE GLEASON: That is different--

3 MR. CHRISTMAN: It is a different
4 question. Why are we burdening the hearings with
5 the question of why didn't LILCO, overnight, make a
6 change in the plan based on a late filed answer to
7 an interrogatory? I don't see the point of the
8 evidence or the question. Moreover, it is not
9 proper evidence. There is no foundation for it from
10 this witness.

11 MR. MILLER: Judge Gleason, very
12 briefly, number one, my motivations here are not in
13 any way to say what LILCO should or should not do.
14 My motivation is to bring facts to the Board's
15 attention.

16 My proposed exhibit reflects a school
17 population for a school district considerably higher
18 than LILCO is planning for. That is pertinent,
19 relevant information.

20 Furthermore, I might point out that
21 other information provided by Suffolk County, the
22 same date, April 12, 1988, regarding number of
23 regular school bus drivers for some of the school
24 districts represented by our witnesses, that
25 information was taken into account by LILCO and made

1 its way into this testimony. So, it is clear that
2 it was possible for LILCO to take this into account.
3 It is clear to me they chose not to do so.

4 But the point is, in terms of the
5 relevancy of the exhibit it reflects a school
6 population which must be planned for and would
7 clarify the record in that record.

8 JUDGE GLEASON: All right. I will deny
9 the motion.

10 Please proceed.

11 Q. Mr. Crocker, my question is, does it
12 not appear to you that the school population for Mt.
13 Sinai School District is 2,232 and not the 1,814
14 reflected in your Attachment K?

15 A. (Crocker) The first two numbers you
16 have here, 976 and 684 for the elementary students,
17 and the 684 junior high school students, they
18 conform reasonably well to what I have. The 572
19 senior high school students, I am not sure where
20 they are accounted for. What is the name of that
21 school they go to? I'm sorry, Mr. Crocker. I can
22 just offer the data that is reflected here in the
23 proposed exhibit.

24 MR. CHRISTMAN: Judge, this is
25 precisely the point. This exhibit lacks foundation.

1 He is presenting this as a fact to a witness--he is
2 presenting his pleading to our witness as an exhibit
3 to show a fact. That is--there is no foundation for
4 the document.

5 JUDGE GLEASON: What is your foundation
6 for this?

7 MR. MILLER: Judge Gleason, the
8 foundation is, number one, no one is disputing this
9 was a document, a discovery response made by Suffolk
10 County. Mr. Crocker testified he saw and has seen
11 this document and the information reflected in it
12 and the information reflected in this document,
13 Exhibit 4, contradicts data proffered in LILCO's
14 testimony to the Board regarding the school
15 population of a school district within the EPZ.
16 That is my foundation.

17 MR. CHRISTMAN: My objection is lack of
18 foundation. It is improper, but the Board can rule.

19 JUDGE GLEASON: Let's proceed for a
20 while then. If it gets too cluttered, we can move
21 to strike.

22 MR. MILLER: This is my only question.
23 There is nothing beyond--

24 Q. Mr. Crocker, isn't it true that the
25 population of Mt. Sinai School District is my 2,232

1 as compared to Attachment K's reference, which would
2 be 1,814 students?

3 A. (Crocker) I don't agree with that
4 fully, simply because---and you will have to do the
5 math for me. The number you came up with included
6 118 private and parochial school students, if I read
7 the sentence right. So, to the extent I already
8 have those students accounted for elsewhere in
9 parochial and private schools--so to compare my
10 solely public school numbers to that, with that
11 included, is apples and oranges again.

12 JUDGE SHON: Mr. Crocker, are we
13 certain that all of the Mt. Sinai schools that are
14 mentioned here--particularly this senior high school
15 that I don't see that you have--are they all within
16 the EPZ?

17 WITNESS CROCKER: That was why I was
18 asking for the name of the school, sir. I can't
19 tell if this is in the EPZ or not. So that is why I
20 am having trouble reconciling.

21 JUDGE GLEASON: Do you know, Mr.
22 Miller?

23 MR. MILLER: Judge, they are all within
24 the EPZ.

25 MR. CHRISTMAN: We would like to

1 clarify something, please.

2 MS. LEUGERS: I think we can clear up
3 the issue. As you may remember, yesterday we argued
4 in our re-arguing the motion to strike, that Suffolk
5 County noted that some of Mt. Sinai school students
6 went to Port Jefferson High School. It appears from
7 this document that the number that is not accounted
8 for in LILCO's plan for Mt. Sinai are the high
9 school students, and that would follow with when we
10 allowed the sentence back into the testimony of
11 Suffolk County to note that Mt. Sinai's high school
12 students went to Port Jefferson High School. I
13 would imagine that is what accounts for the high
14 school number in this document.

15 JUDGE GLEASON: Do you know whether
16 that accounts for the discrepancy?

17 MR. MILLER: What Ms. Leugers states
18 could be a possibility. I would like the witness to
19 tell me that--

20 JUDGE GLEASON: I understand.

21 MR. MILLER: It may require Mr. Crocker
22 to talk to his staff again on Thursday when he will
23 be back--

24 THE WITNESS: My records don't show a
25 senior high school in the EPZ. You have got this

1 population and there is no senior high school in my
2 records to match it. That is why I am having
3 difficulty. If I can check with my staff--

4 JUDGE GLEASON: Would you please check
5 and when we get back together we will clear up the
6 discrepancy if it can be cleared up.

7 THE WITNESS: Gladly.

8 Q. Mr. Crocker, let me do one other one
9 briefly and we will move on. The Riverhead School
10 District, right above Mt. Sinai in Attachment K,
11 again, if you look at the second page of what we
12 have marked Suffolk County Exhibit 4, reflected
13 there is population of 2,705 students. I believe if
14 you total your figures in Attachment K you come out
15 with 2,649 students.

16 A. (Crocker) This said 2,705 are enrolled
17 in the Reilly Avenue, the Pulaski Street and
18 Riverhead Junior High School--the schools match.
19 And you're indicating 2,705, which is 56 more than
20 we have. Yes. That is so close it wasn't worth
21 changing for this hearing.

22 Q. It is another bus, isn't it?

23 A. (Crocker) Like I said, my commitment
24 is to analyze it every fall and adjust it. For the
25 purpose of this hearing, it makes no difference.

1 Q. Mr. Crocker, at this time does LILCO in
2 fact have--has LILCO recruited in fact 613 LERO
3 school bus drivers?

4 A. No. We have a number slightly low of
5 that. Give me a moment and I will dig it up.

6 Okay. As I mentioned the other day, we
7 have got 558 that have already been trained and
8 passed their road test. In addition to that, I have
9 some excess people that have been identified as bus
10 driver candidates but have not embarked on the
11 training program as yet. You understand, it is
12 easier to train bus drivers in batches rather than
13 do them individually as you recruit them. We have a
14 total right now of 586 people already trained, plus
15 the few extra that have been assigned to be drivers
16 but haven't embarked on the training program yet.
17 That means I need the difference between 586 and 613
18 to go still, which is roughly 27, if my arithmetic
19 is right.

20 Q. Is LILCO still in the process of
21 recruiting school bus drivers for LERO?

22 A. (Crocker) Yes, sir.

23 JUDGE GLEASON: Mr. Miller, the Board
24 would not like to go beyond 4:30 tonight.

25 MR. MILLER: That is fine. I will make

1 sure I come to a stopping point by then. I am
2 assuming the Board wants to proceed without another
3 break then?

4 JUDGE GLEASON: Yes.

5 Q. Mr. Crocker, is it fair to say that
6 LILCO is experiencing some trouble in recruiting the
7 personnel needed to fill the position of LERO school
8 bus driver?

9 A. (Crocker) They are not pouring in in
10 droves we had when we first began recruiting because
11 the available pool of people, you know, depleted.
12 As people changed jobs in the company, as new people
13 joined the company, the normal turnover, we are
14 getting new LERO recruits on a slow but steady
15 basis. When we first went out recruiting bus
16 drivers, of course, we got a lot quickly because
17 there is a lot more to tap right away. So the rate
18 has dropped off.

19 MR. MILLER: Judge Gleason, I will
20 introduce at this time--to mark for identification,
21 I'm sorry, two separate documents. Maybe we can
22 call this Suffolk County Bus Driver Exhibit 5-A and
23 5-B.

24 JUDGE GLEASON: All right. They will
25 be so designated.

1 (The documents referred to were
2 marked for identification as
3 Suffolk County Bus Driver Exhibit
4 Nos. 5-A and 5-B.)

5 MR. MILLER: We will mark as
6 Suffolk County Bus Driver Exhibit 5-A the one-page
7 document dated October 8, 1987, and Suffolk County
8 Bus Driver Exhibit 5-B will be the one-page document
9 dated October 19, 1987.

10 Q. Mr. Crocker--

11 MR. CHRISTMAN: Just a second. Can you
12 repeat the designations?

13 MS. YOUNG: Try to give the documents a
14 better description, too. That might help.

15 MR. MILLER: I will try to give a
16 better description. The date of 5-A is October 8,
17 1987. Exhibit 5-B is dated October 19, 1987. Since
18 they are one-page documents, I think that
19 description is sufficient.

20 Q. Mr. Crocker, have you seen these
21 documents before?

22 A. (Crocker) Yes.

23 Q. These documents refer to essentially
24 appeals to LILCO management to help recruit
25 personnel to fill the roles of LERO school bus

1 drivers within the LERO organization. Is that a
2 fair statement?

3 A. (Crocker) Yes, it does--yes, it is.

4 Q. I believe, Mr. Crocker, that is another
5 point we discussed during that day-long deposition.

6 A. (Crocker) Yes, sir.

7 Q. It is fair to say, is it not, that
8 there was some degree of pressure put on LILCO
9 management to recruit personnel to fill the
10 necessary slots of the LERO school bus drivers. Is
11 that a fair statement?

12 A. (Crocker) I think I said in the
13 deposition that pressure is probably not a fair
14 characterization of it. You can probably whip out
15 my deposition and correct me now, but that is my
16 recollection.

17 Anyway, when we determined that this
18 was an approach we were going to use to resolve the
19 role conflict issue, we got the word out to the rest
20 of the company and the way you did it was from the
21 top down. The company decided that we needed to
22 recruit more people. LERO always has been and still
23 is a volunteer organization. There are many people
24 in the company that are not members. But we did ask
25 that each of the vice-presidents in turn pass the

1 word down through the organization that they recruit
2 as many people as they can. I think these letters
3 manifest that.

4 Q. It is a correct statement, is it not,
5 Mr. Crocker, that LERO had to go back to LILCO
6 departments to seek these recruits on more than one
7 occasion because sufficient numbers of personnel did
8 not volunteer for the bus driver position?

9 A. (Crocker) Yes. In part, we saw
10 curious tendencies in the data distribution in
11 LILCO's many departments and divisions spread
12 geographically over two-plus counties. We noticed
13 that some departments had great recruiting and
14 others would have minimal. Part of our concern was,
15 are these people even being told of the opportunity?
16 And we did go back, once we saw the statistics, and
17 say, "Hey, this department didn't have the normal
18 ratio of recruits." Certainly we went back. Here
19 is a potential source of people that may not have
20 gotten the word, maybe misunderstood the
21 circumstances or whatever. We recruited quite
22 vigorously.

23 Q. Mr. Crocker, in your deposition you
24 indicated to me that, "Pressure was applied on
25 management to make sure that word got out to the

1 troops at the individual worker level. I am not
2 aware of any pressure."

3 A. (Crocker) Can I see the document?

4 Q. Sure. I want to ask you if that is
5 your testimony today?

6 A. (Crocker) I want to see the words
7 around it, if I may.

8 (Referring.) I think the whole
9 statement, if I may read it to clear it up--

10 Q. Well, all I am asking, Mr. Crocker, is,
11 is it fair to say that pressure was applied at the
12 management levels to get sufficient numbers of
13 personnel to volunteer as LERO school bus drivers
14 although you are not aware of any pressure being
15 applied at the individual worker level?

16 A. (Crocker) Well, the statement you read
17 to me said, "So, to that extent, pressure was
18 applied," et cetera. "To that extent" is explained
19 immediately above that and I would like to, if we
20 are going to use the sentence, explain--

21 Q. Mr. Crocker, I am just asking you
22 today, sitting here today before this Board, what
23 your testimony is in response to my question.

24 A. (Crocker) Okay. My response to the
25 question is the same as it is here. "Pressure" is

1 probably too strong a term. As I say, there is
2 nagging done at top levels. Some vice-presidents
3 had great recruitment, some vice-presidents and
4 their underlying departments didn't have good
5 recruitment. And there was pressure, if you will,
6 applied among vice-presidents. Down at the lower
7 ranks, no, the pressure wasn't there. The pressure
8 was to get the word down to the troops. Make sure
9 that everybody in every district office--and there
10 is lots of them all over Long Island--got the word.
11 And I think that fairly characterizes what is said
12 here.

13 Q. But your testimony, Mr. Crocker, is
14 that sitting here today you anticipate that LERO
15 will be able to fill the 613 bus driver positions at
16 this time LILCO believes would be needed to
17 implement a single-wave evacuation of the EPZ
18 schools?

19 A. (Crocker) Yes. I anticipate well, and
20 we will do it one way or the other. May not always
21 be 613, as you understand the population changes we
22 will make the appropriate adjustments. But we will
23 have sufficient drivers to meet the commitment, the
24 underlying principles of the commitment that is
25 outlined in the testimony.

1 Q. That is your belief sitting here today.
2 Correct? That is what you believe?

3 A. (Crocker) I firmly believe that.

4 Q. Now, Mr. Crocker, notwithstanding that
5 the effort to recruit this personnel started last
6 October and has continued throughout today, which is
7 May--

8 A. (Crocker) Yes, sir.

9 Q. And notwithstanding the fact that at
10 this time you still do not have quite the number
11 necessary, you believe personnel will be found to
12 fill the positions?

13 A. (Crocker) Yes. Much along the same
14 lines as the buses, where I said that if it comes to
15 the point where I cannot contractually or anything
16 else get enough buses, we will buy some, my
17 understanding with my management is if we can't get
18 enough drivers in LERO, we will hire some.

19 Q. Hire some from bus companies?

20 A. (Crocker) We will hire people that we
21 will train as bus drivers--we haven't decided where
22 from. It hasn't come to that yet. LERO--LILCO will
23 provide sufficient resource. If push comes to shove
24 and I am short of drivers, we will find the
25 additional people.

1 Q. Mr. Crocker, this is important because
2 it does tie into the role conflict concerns we are
3 here to address. Does LILCO presently have any
4 intention to go outside LILCO to retain non-LILCO
5 personnel to fill the position of LERO bus drivers?

6 A. (Crocker) My understanding of the way
7 we would work it, if it came to the point where
8 recruitment within the present company just didn't
9 make it, is we would hire additional LILCO
10 employees, put them to use in the company doing
11 regular work but also use them as LERO bus drivers
12 with training.

13 Q. Would be hired by LILCO specifically
14 with the understanding they would have to volunteer
15 to be LERO school bus drivers?

16 A. (Crocker) That's essentially what I
17 said. Yes. We are willing to meet the resource
18 requirements necessary to meet the plan. That is
19 the bottom line.

20 Q. This is one proposal being discussed at
21 this time?

22 A. (Crocker) It is the last--it is the
23 back stop. That is the end point. I fully expect
24 to be able to recruit from within LILCO, as I
25 say--people are coming in. Not at too great a rate,

1 but they are trickling in.

2 Q. Mr. Crocker, the bottom of page 52 of
3 the testimony, the statements regarding where the
4 LERO school bus drivers live--

5 A. (Crocker) Hang on a minute, please,
6 and let me catch up with you. I am buried in
7 exhibits. 52?

8 Q. Yes, sir. Answer 51.

9 A. (Crocker) Yes, sir, I see that.

10 Q. Now, there is a discussion that takes
11 about half a page. You state at one point of that
12 discussion that you believe the number given is
13 conservatively high and at the end of the discussion
14 you believe that the number given is slightly
15 conservative.

16 A. (Crocker) Yes. Conservative on the
17 high side rather than low. I am not talking way
18 high. Just (indicating). I don't think it is
19 inconsistent.

20 Q. Do you have any data, Mr. Crocker, more
21 recent than what is reflected here in your testimony
22 about where the LERO school bus drivers reside?

23 A. (Crocker) No, sir. This we did in
24 response to a Suffolk County interrogatory and we
25 haven't updated it since.

1 Q. You acknowledge that the data presented
2 is essentially your best guess. Is that correct?

3 A. (Crocker) It was a good estimate at
4 the time. If I did it now, to the extent that we
5 have recruited more bus drivers, the number could
6 arguably change to some small degree.

7 Q. Presumably the number 46 is now higher?

8 A. (Crocker) If you assume that the bus
9 drivers we recruited were evenly distributed all
10 over Long Island, yes. It may not in fact be
11 higher. It depends on where they came from.

12 Q. In your mind, Mr. Crocker, why is it
13 relevant to look at the issue of where the LERO
14 school bus drivers reside?

15 MR. CHRISTMAN: Objection. He was
16 responding to a question in his testimony and Mr.
17 Miller is asking for a legal conclusion about legal
18 relevance.

19 MR. MILLER: I am not asking for
20 anything that is a legal conclusion.

21 MR. CHRISTMAN: Yes. He is asking why
22 I asked the question in the testimony. That is a
23 legal question.

24 JUDGE GLEASON: Let him answer, Mr.
25 Christman. It is pretty late in the day and I would

1 like to have the answer, myself.

2 Answer the question if you can recall
3 it.

4 MR. CHRISTMAN: Would you like my
5 answer? I asked the question.

6 JUDGE GLEASON: No, I would not like
7 your answer.

8 MR. CHRISTMAN: Okay.

9 THE WITNESS: Maybe I misunderstood the
10 question. I thought what Mr. Miller was asking me
11 was why did I go to the trouble of making this
12 calculation and why did I think it was significant.

13 Q. Let me ask the question a different way
14 so we understand one another.

15 Do you believe it is relevant to know
16 where the LERO school bus drivers reside, they or
17 their families reside?

18 A. (Crocker) Only to the extent that, as
19 we did in earlier hearings, you know, we have the
20 LERO family tracking system and we have the--what
21 are the words I am looking for? The family
22 relocation center. And we make provisions for the
23 families of those people to use these resources if
24 they want to. So, to the extent that I have some,
25 if the arithmetic is right, less than 10 percent of

1 the bus drivers live in the EPZ, the provisions that
2 are provided to other LERO workers would also be
3 provided to these folks. To that extent, you know,
4 it is relevant.

5 Q. Can you tell me, roughly, Mr. Crocker,
6 when your staff was asked by you and came up with
7 this best estimation of where the LERO school bus
8 drivers reside?

9 A. (Crocker) Since we did it in response
10 to an interrogatory, it is clearly during the
11 discovery period. I can't narrow it down any more
12 than that, Mr. Miller.

13 MR. MILLER: Judge Gleason, this would
14 be a good stopping point for the day.

15 Before we do adjourn, perhaps we can
16 deal with these exhibits a little bit. I would at
17 this time--let me make a statement, first of all.
18 Exhibit 2, which is the very thick Revision 9
19 excerpts, I intend to come back to periodically
20 throughout the remainder of the cross-examination,
21 which, by the way will, continue on Thursday because
22 Mr. Crocker will not be here tomorrow.

23 JUDGE GLEASON: I understand.

24 MR. MILLER: I am willing to hold that
25 in abeyance, though I intend to offer it in

1 evidence. Suffolk County Bus Driver Exhibits 3, 4,
2 5-A and B, at this time I move their admission in
3 evidence.

4 JUDGE GLEASON: Objection?

5 MR. BACHMANN: I would like to insure
6 that the copies supplied for the record to the court
7 reporter have the corrections entered into them as
8 discussed. I think I have lost a couple of them
9 along the way and I am not sure everybody else got
10 them.

11 JUDGE GLEASON: You don't have them
12 identified is what you are saying?

13 MR. BACHMANN: Just on Suffolk County
14 Exhibit 3 there seems to be a number of corrections.

15 JUDGE GLEASON: Cover letter of May
16 6th, letter from Mary Jo Leugers to Michael Miller.

17 MR. BACHMANN: Yes, sir.

18 JUDGE GLEASON: You have an objection,
19 Mr. Christman, to the introduction of 3, 4 and 5?

20 MR. CHRISTMAN: Only 4. I think it
21 lacks foundation. The others I don't object to.

22 JUDGE GLEASON: We will let all of the
23 exhibits into evidence.

24 We admit Suffolk County Bus Driver
25 Exhibit 3, 4, 5-A and 5-B.

1 (Suffolk County Bus Driver
2 Exhibits 3, 4, 5-A & 5-B were
3 received in evidence.)

4 MR. MILLER: Thank you.

5 JUDGE GLEASON: We will resume tomorrow
6 at nine o'clock.

7 (Discussion off the record.)

8 JUDGE GLEASON: Back on the record a
9 minute.

10 MS. YOUNG: Was your ruling that the
11 copies of Exhibit 3, Suffolk County Bus Driver
12 Exhibit 3, did not have to be conformed for the
13 record?

14 MR. MILLER: The changes were made by
15 Mr. Crocker. They are in the record. I have never
16 heard of taking an exhibit and then marking that to
17 what the witness is saying. It is kind of new to
18 me. The exhibit is there. The record will speak
19 for itself.

20 JUDGE GLEASON: That is the way I
21 interpret it.

22 MS. YOUNG: Just a question. I was
23 only suggesting it from a clarity standpoint.

24 JUDGE GLEASON: Whatever it is, it will
25 speak for itself.

(Time noted: 4:30 p.m.)

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CERTIFICATE

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This is to certify that the attached proceedings before the
United States Nuclear Regulatory Commission in the matter of:
Name:

Docket Number: 50-322-OL-3

Place: Hauppauge, New York

Date: May 17, 1988

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission taken stenographically by me and,
thereafter reduced to typewriting by me or under the direction
of the court reporting company, and that the transcript is a
true and accurate record of the foregoing proceedings.

/s/ *Alvin Stevens*

(Signature typed):

Official Reporter
Heritage Reporting Corporation