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LILCO, January 20, 1988

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

) Docket No. 50-322-OL-3

) (Emergency Planning)

) (School Bus Driver Issue)

(Shoreham Nuclear Power, Station
Unit 1)

**LILCO's RESPONSES AND OBJECTIONS TO SUFFOLK COUNTY'S FIRST
SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

LILCO hereby responds to Suffolk County's First Set of Interrogatories and Request for Production of Documents, dated and served on LILCO on January 4, 1988.

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

A. To the extent LILCO does not object to their production, all documents referenced in these answers which are not enclosed will be provided within the 30-day production period in accordance with 10 C.F.R. § 2.741.

B. LILCO objects to paragraph L of Suffolk County's Definitions and Instructions and to all interrogatories that seek the identity of LERO workers on the ground that disclosure of such information would constitute an invasion of privacy of those individuals, and may subject them to harassment and intimidation. LILCO has refused to identify LILCO employees by name throughout this proceeding, and LILCO will adhere to that policy in this proceeding. Unless LILCO objects to the request on some other grounds, LILCO will identify LERO workers or other LILCO employees by their LILCO employee number, as Intervenor anticipated in footnote 1 to Interrogatory no. 4.

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

D. LILCO objects to all interrogatories to the extent they purport to require information outside the possession, custody or control of LILCO.

E. LILCO objects to the inclusion of attorneys in the definition of "LILCO" or "LILCO personnel" in paragraph H of Suffolk County's Definitions and Instructions because their inclusion is clearly calculated to discover information protected by the attorney-client privilege and the work product doctrine.

F. LILCO objects to the County's characterization of LILCO's new auxiliary bus driver arrangement in paragraph V.(4) in Suffolk County's Definitions and Instructions. LILCO interprets references in the County's interrogatories to the "schools evacuation proposal" to mean the "auxiliary bus driver arrangement" referenced by the Board in its December 30, 1987 Memorandum and Order, wherein the Board defined the only issue to be explored as "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform evacuation duties," and as described more fully in LILCO's October 22, 1987 Motion for Summary Disposition. See Memorandum and Order (Ruling on Applicant's Motion of October 22, 1987 for Summary Disposition of Contention 25.C, Role Conflict of School Bus Drivers), December 30, 1987, at 5.

II. ANSWERS AND OBJECTIONS TO INTERROGATORIES

Suffolk County Interrogatory No. 1

Identify each person whom LILCO expects to call as an expert or non-expert witness during the remand proceeding on Contention 25.C and state the subject matter on which each is expected to testify.

Response: The following is a list of witnesses whom LILCO currently expects to call during the Contention 25.C remand proceeding. If any of these witnesses are subsequently deleted, or if additional witnesses are named, LILCO will so notify Suffolk County.

1. Douglas M. Crocker
2. Dennis S. Mileti
3. Michael K. Lindell

Mr. Crocker will testify on any matters regarding the auxiliary bus driver proposal itself, including the LILCO Plan and procedures. Mssrs. Mileti and Lindell will testify on matters concerning role conflict and any other sociological aspects of the proposal.

Suffolk County Interrogatory No. 2

Provide an up-to-date resume of, and all studies, papers, articles, reports, books and other such documents, published or unpublished, authored or prepared by each of the persons LILCO intends to call as a witness.

Response: Resumes for each of the witnesses identified in the previous Response were provided to the County in connection with the reception centers proceeding held in July 1987, and are a part of the record following transcript page 17,421 as part of LILCO Exhibit 1. More up-to-date resumes, if available, will be provided to the County before the end of the 30-day production period. To the extent the witness' unpublished studies, papers, etc. are relevant to the emergency planning matters at issue in this remand proceeding and not privileged or proprietary, LILCO will provide copies of such documents within the 30-day period. LILCO will also provide a list of works published by each witness. LILCO objects to providing copies of published documents to which LILCO and Suffolk County have equal access in the public record.

Suffolk County Interrogatory No. 3

Identify by date, location and proceeding, all prior testimony before any judicial, administrative, or legislative body, including deposition testimony, concerning emergency preparedness, including the implementability of emergency preparedness plans and, in particular, protective actions for school children, given by each of the persons LILCO intends to call as a witness.

Response: Mr. Crocker has previously testified as a witness only in the Shoreham reception centers proceeding, which was held in July, 1987. Mr. Crocker was deposed in connection with that proceeding on June 22, 1987. Information concerning the prior testimony of Messrs. Milet and Lindell was provided with their resumes in the reception centers proceeding; updated information will be provided with the updated resumes before the end of the 30-day production period.

Suffolk County Interrogatory No. 4

Provide the following information with respect to each LILCO-employed LERO worker who LILCO relies upon to implement its new schools evacuation proposal by serving as backup and primary school bus drivers:

- (a) Name¹
- (b) Position with LILCO; and
- (c) Qualifications/experience to serve as a school bus driver.

[1] Should LILCO wish to protect the privacy of individual workers, the County has no objection to LILCO's designating, at this time, the LILCO-employed school bus drivers by number (or some other means) rather than by name.

Response: As noted in the general objections above, LILCO objects to Suffolk County Interrogatory No. 4 to the extent it seeks the personal identification of LILCO-employed LERO workers, on the grounds that disclosure of such information could, if used improperly, subject those workers to harassment and intimidation. LILCO has never revealed the names and home addresses of LERO workers. Moreover, in this instance LILCO objects to providing any identification of the LERO school bus drivers because that information is not relevant to the narrow issue here, which is whether there will be enough school bus drivers available to perform emergency evacuation duties in a Shoreham emergency.

LILCO objects to Suffolk County Interrogatory No. 4(b) on the ground that the LERO workers' LILCO positions are not relevant to the issue in this remand proceeding and that this request is not reasonably calculated to lead to the discovery of admissible evidence.

With regard to item 4(c), each LERO worker who will act as an auxiliary school bus driver will be duly licensed by New York State to be a bus driver, as evidenced by a Class 2 bus driver's license. In addition, each driver will have received the same general LERO training in overall emergency response, dosimetry, etc., that all other LERO workers receive and that was litigated and found acceptable by the Licensing Board in the original plan hearings. See Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-85-12, 21 NRC 644, 744-56 (1985) ("PID").

As to "experience," it is LILCO's position that the previous experience of LERO workers who will act as school bus drivers is not relevant to this proceeding and, even if it were relevant, is res judicata for purposes of this remand. In the plan hearings, Suffolk County contended that LERO workers could not perform their emergency response jobs without prior experience. PID at 749. The Board found "no substantial evidence in support of the Suffolk County claim that the jobs cannot be performed properly without extensive experience." PID at 750. The Board found an even stronger case for LILCO in connection with LERO [general population] bus drivers. Id. Thus, the Board has already found that relevant prior experience is not essential for LERO workers to perform their emergency jobs. Intervenors cannot raise the issue anew in this remand proceeding.

Suffolk County Interrogatory No. 5

Identify every company, organization, group, entity, institution, and individual, other than those identified in Interrogatory 4, who participated in any way in activities concerning LILCO's new schools evacuation proposal. With respect to each organization identified, identify the person or persons affiliated with that organization who are knowledgeable concerning that organization's participation in LILCO's schools evacuation proposal. With respect to individuals identified, identify the organization or entity which they represent or of which they are members.

Response: LILCO objects to Suffolk County Interrogatory No. 5 as overly broad, unduly burdensome, and irrelevant, since conceivably the description "every company . . . who participated in any way in activities concerning" the school bus driver proposal could include any entity remotely connected with the proposal, including even the printing firm that will print the proposal as part of Revision 9 to the LILCO Plan. Moreover, LILCO objects to this interrogatory to the extent it purports to include counsel for LILCO who may have participated in activities concerning the new proposal.

Notwithstanding and without waiving these objections, LILCO lists below the primary entities and individuals involved in developing and implementing the auxiliary school bus driver proposal, and the role or function each performed:

Douglas M. Crocker	Policy decisionmaking
John A. Weismantle	Policy decisionmaking
Charles A. Daverio	Policy decisionmaking
Diane P. Dreikorn	Procedure review
Brant Aidikoff, Aidikoff Associates, Inc.	Procedure drafting and development
Joan M. Wiggins, LERIO	Research current school enrollment and number of bus drivers on payroll of or under contract with school districts
Gregory Jacoby, LERIO	
Vicki Palmiotto, LERIO	LERO school bus driver recruitment
Jeffrey Sobotka, Aidikoff Associates, Inc.	Procedure development
Richard J. Watts, Richard J. Watts, Inc.	Procedure development
Dennis S. Milet, Colorado State University	Procedure discussion

Suffolk County Interrogatory No. 6

Provide copies of all correspondence, questionnaires, or documents:

(a) sent by or on behalf of LILCO to the organizations or individuals identified in response to the previous interrogatory; and

(b) received from such organizations or individuals, concerning LILCO's new schools evacuation proposal.

Response: LILCO objects to Suffolk County Interrogatory No. 6 for the same reasons it objected to Interrogatory No. 5, i.e., it is overly broad and unduly burdensome. Moreover, it purports to seek documents sent by or received from counsel for LILCO concerning the auxiliary bus driver proposal, and thus seeks information and documents protected by the attorney-client privilege and/or the work product doctrine. Without waiving these objections, LILCO states that it is in the process of identifying documents that may be responsive to this interrogatory and will provide Suffolk County with any such documents that are not privileged before the end of the 30-day production period.

Suffolk County Interrogatory No. 7

Have any LILCO personnel declined to participate in LILCO's new schools evacuation proposal? If so, please indicate the number who have declined to participate, and identify the reason(s) given for their declining to participate.

Response: LILCO objects to Suffolk County Interrogatory No. 7 on the grounds that it seeks information that is not relevant to the subject matter of this remand proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The sole issue in this proceeding is "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order, December 30, 1987, at 5. Thus, the only proper inquiry will be focused on the LERO school bus drivers that LILCO has in fact recruited and trained, not on any LILCO personnel who may have declined to participate in the first place. Information concerning the latter group is not relevant.

Suffolk County Interrogatory No. 8

Have any non-LILCO organizations or personnel declined to participate in LILCO's new schools evacuation proposal? If so, please identify and, for individuals, specify the organizations which they represent or of which they are members, and identify the reason(s) given for their declining to participate.

Response: LILCO objects to Suffolk County Interrogatory No. 8 for the same reasons given in LILCO's response to Interrogatory No. 7, i.e., it seeks information that is not relevant to the subject matter of this remand proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Information concerning any non-LILCO personnel or organizations who may have declined to participate or otherwise are not participating is not relevant to the issue of whether there will be a sufficient number of school bus drivers to perform emergency evacuation duties under the LILCO Plan. Without waiving this objection, LILCO states that to the best of its knowledge, at the present time LILCO is not aware of any such non-LILCO organizations or personnel who have declined to participate in the auxiliary bus driver proposal. However, LILCO is currently in the process of contacting outside organizations mentioned in the Plan to inform them of their involvement, and will seasonably inform the County if LILCO becomes aware of information responsive to this interrogatory.

Suffolk County Interrogatory No. 9

Provide copies of all correspondence or documents:

- (a) sent by or on behalf of LILCO to the organizations or persons identified in the previous interrogatory; and
- (b) received from these organizations or persons, concerning such non-participation.

Response: LILCO objects to Suffolk County Interrogatory No. 9 because it seeks documents pertaining to the personnel or organizations referenced in Interrogatory No. 8. See LILCO's Response to Interrogatory No. 8. Without waiving this objection, LILCO states that it is in the process of identifying documents that may be responsive to this request and will provide such documents within the 30-day period.

Suffolk County Interrogatory No. 10

Provide copies of all correspondence to or from, and any other documents or information sent by or on behalf of LILCO, to, or received from, FEMA and/or the NRC, or any other federal agency, federal personnel, or contractor thereof, concerning LILCO's new schools evacuation proposal.

Response: LILCO objects to Suffolk County Interrogatory No. 10 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, LILCO states that to the best of its knowledge, aside from the response to LILCO's summary disposition motion filed by the NRC Staff, there are no documents that are responsive to Interrogatory No. 10.

Suffolk County Interrogatory No. 11

Provide a copy of all documents relating to:

- (a) The recruitment of LILCO employees to serve as school bus drivers under LILCO's schools evacuation proposal;
- (b) The requirements and qualifications imposed by LILCO or any other entity on those LILCO employees who agree to become LERO school bus drivers, including by way of example only, the participation form required to be signed; and
- (c) The training of LILCO employees who agree to serve as LERO school bus drivers.

Response: LILCO objects to Interrogatory 11(a) on relevance grounds. Documents relating to the recruitment of LILCO employees as LERO workers are not relevant to the issue of "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." In addition, LILCO objects to Interrogatory 11(a) on the ground that recruitment issues have already been litigated. LILCO employees were recruited to fill LERO auxiliary school bus driver positions in the same way that all LERO workers are recruited, and that recruitment and selection process was litigated in the plan hearings. See PID at 747. Recruitment issues cannot be relitigated in this remand proceeding.

With regard to Interrogatory 11(b), the requirements and qualifications imposed on LERO auxiliary school bus drivers are those listed on p. 15 of LILCO's summary disposition motion. They are also discussed in LILCO's Response to Interrogatory No. 4 (c). LILCO is in the process of identifying responsive documents and will provide Suffolk County with copies of such documents that are not privileged, including the LERO participation form, within the 30-day production period.

LILCO objects to Interrogatory 11(c) on the ground that it seeks documents that are not relevant to this proceeding and that pertain to subjects that have already been litigated. In addition to the instruction they will receive in connection with obtaining a Class 2 bus driver's license, the LERO school bus drivers will undergo the same general LERO worker training that all LERO workers receive. That training program was litigated previously and cannot be relitigated here. See LILCO's Response to Interrogatory No. 4.

Suffolk County Interrogatory No. 12

Identify by date and description all drills, exercises, tabletop exercises, classroom training sessions, and all other training activities relating to LILCO's new schools evacuation proposal that have been held and/or scheduled to be held.

Response: LILCO objects to Interrogatory No. 12 on the same relevance and res judicata grounds stated in LILCO's Response to Interrogatory No. 11 (c). LILCO notes in addition that drills, exercises, tabletops, etc. are not relevant to the issue of whether there will be enough school bus drivers in an emergency but rather goes to the issue of the adequacy of the LERO bus drivers' performance in a graded exercise. The latter issue is not a matter to be explored in this remand proceeding.

Suffolk County Interrogatory No. 13

For each activity identified in response to the previous interrogatory, identify the persons who participated.

Response: LILCO objects to Suffolk County Interrogatory No. 13 for the reasons stated in LILCO's Response to Interrogatory No. 12.

Suffolk County Interrogatory No. 14

For each activity identified in response to Interrogatory 12, provide all documents concerning the activity.

Response: LILCO objects to Interrogatory No. 14 for the same reasons given in LILCO's Response to Interrogatory No. 12.

Suffolk County Interrogatory No. 15

Identify all persons responsible for training LILCO employees to serve as LERO school bus drivers. Describe the functions and responsibilities of these people.

Response: LILCO objects to Suffolk County Interrogatory No. 15 for the same reasons given in LILCO's Response to Interrogatory No. 12. In addition, however, LILCO notes that even if the training of LERO school bus drivers were relevant and litigable in this proceeding, the identity of the trainers is not relevant.

Suffolk County Interrogatory No. 16

Provide an up-to-date resume for each of the persons identified in response to the previous interrogatory, including information regarding each person's qualifications and experience.

Response: LILCO objects to Interrogatory 16 for the reasons stated in LILCO's response to the previous interrogatory, i.e., the information sought is irrelevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Suffolk County Interrogatory No. 17

Provide a copy of all documents, including correspondence and drafts, relating to the telephone survey of school districts purportedly conducted by or on behalf of LILCO in July 1987, and updated for the Mount Sinai School District in October 1987, and which resulted in LILCO's estimate that about 562 school bus drivers would be required to evacuate all public school children from the EPZ in a single wave. With respect to this interrogatory, it is requested that every company, organization, group, entity, institution and individual who participated in any way in the telephone survey be identified, and that the function and responsibilities of each be described. For any organization identified, identify the person or persons affiliated with that organization who are knowledgeable concerning that organization's participation in the survey. For individuals identified, identify the organization or entity which they represent or of which they are members. A copy of the survey instrument should be provided. In addition, information regarding, but not limited to, how the survey was conducted, the survey's respondents, and whether and, if so, how the survey was verified should be provided.

Response: LILCO is in the process of identifying documents that may be responsive to this interrogatory and will provide copies of such documents that are not privileged to the County within the 30-day production period. Answering further, LILCO states that the only individuals, entities, etc. who participated in the telephone survey were two members of the LERIO staff, Joan M. Wiggins and Gregory Jacoby, who have general responsibility for Plan maintenance and LERO training. LILCO objects to Interrogatory No. 17 to the extent it requires further identification of these LERIO members, for the same privacy reasons set forth in LILCO's prior objections to revealing the names and home addresses of LERO workers.

The survey consisted of telephone calls to the administrative staffs of each of the schools listed in Attachment 1 to LILCO's October 22, 1987 Summary Disposition Motion. Each school was simply asked to state its current student enrollment. The telephone survey was not a formal survey in the statistics sense of the term, but was more in the nature of informal information gathering. Since this information gathering was not intended to be a statistically or methodologically valid poll or survey, it was not "verified."

Suffolk County Interrogatory No. 18

Provide a copy of all documents, including correspondence and drafts, relating to LILCO's determination that the school districts within the 10-mile emergency planning zone have on payroll or under contract at least 340 school bus drivers. With respect to this interrogatory, it is requested that every company, organization, group, entity, institution and individual who participated in any way in this determination be identified, and that the functions and responsibilities of each be described. For any organization identified, identify the person or persons affiliated with that organization who are knowledgeable concerning that organization's participation in the aforesaid determination. For individuals identified, identify the organization or entity which they represent or of which they are members. Information regarding, but not limited to, how LILCO's determination was made, who was contacted, and whether and, if so, how information regarding the number of bus drivers each bus company has on contract to each school within the 10-mile planning zone was verified should be provided.

Response: LILCO is in the process of identifying documents that may be responsive to this interrogatory and will provide copies of such documents that are not privileged to

the County within the 30-day production period. The only individual, entity, etc. who participated in the determination of the number of school bus drivers under the payroll of or under contract with EPZ school districts was one of the LERIO staff members (Greg Jacoby) referenced in LILCO's response to Suffolk County Interrogatory No. 17. The determination that EPZ school districts have on payroll or under contract at least 340 bus drivers was based on information received in telephone conversations with the owners or managers of each bus company under contract with the schools or school districts. The bus companies listed in Attachment 2 to LILCO's summary disposition motion were contacted. The information received was not "verified."

Suffolk County Interrogatory No. 19

Provide a copy of all documents, including correspondence and drafts, relating to LILCO's purported offer to "work with" the school districts within the 10-mile Shoreham emergency planning zone by training, equipping and reimbursing the regular school bus drivers employed by or under contract to the school districts.

Response: Without waiving any objection LILCO may have as to the relevance of this request, LILCO states that it is in the process of identifying documents that may be responsive to this interrogatory and will provide copies of such documents that are not privileged to Suffolk County within the 30-day production period.

Suffolk County Interrogatory No. 20

What contacts has LILCO had with any school or school district regarding LILCO's schools evacuation proposal? For each such contact, identify all district(s) and person(s) involved, the date(s) of each contact, the substance of any conversations, and produce copies of any documents which relate in any way to such contacts.

Response: The telephone calls made in connection with the telephone survey that is the subject of Suffolk County Interrogatory No. 17 were the primary contacts between LILCO and the schools or school districts regarding the auxiliary bus driver proposal. The telephone calls were made in July 1987 and, in the case of the Mount Sinai School District, in October 1987. Exact dates for each call were not recorded. In addition, the same schools were contacted to determine which were on split sessions and to

determine how many students participate in summer sessions. Finally, LILCO states that it is now in the process of contacting all outside organizations, including the schools or school districts, to inform them of their involvement/role in the Plan. See LILCO's Response to Interrogatory No. 8. LILCO is in the process of identifying documents that may be responsive to this interrogatory and will provide copies of such documents that are not privileged to the County within the 30-day production period. The substance of the conversations concerned each school's current enrollment.

Suffolk County Interrogatory No. 21

Identify:

- (a) All bus yards to which LILCO-employed school bus drivers would be ordered to report in the event of a Shoreham emergency; and
- (b) The number of LILCO-employed school bus drivers that could be ordered to report to each of the designated bus yards.

Response: LILCO objects to Interrogatory No. 21(a) on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The sole issue in this remand is "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order at 5 (Dec. 30, 1987). The bus yards to which LERO school bus drivers would be sent to pick up buses is irrelevant to whether there will be a sufficient number of school bus drivers. Without waiving this objection, the requested information is contained in Attachment 1 to these Answers, "Bus Assignment for School Evacuation," which will be contained in Rev. 9 of the LILCO Plan.

LILCO also objects to Interrogatory No. 21(b), for the same reasons given in LILCO's response to Interrogatory No. 21(a). That is, it is not relevant which bus yards LERO school bus drivers would be asked to report to, or the number of LERO school bus drivers that would be asked to report to each. As stated in LILCO's summary

disposition motion at 12-17, all 562 LERO school bus drivers would be mobilized during an emergency to ensure that a sufficient number of drivers are available to accomplish a single-wave evacuation.

Suffolk County Interrogatory No. 22

Provide a copy of all documents relating to:

- (a) The notification, mobilization, briefing, equipping, dispatching, coordination, control and/or management of LILCO-employed school bus drivers in the event of a Shoreham emergency.
- (b) The pre-assignment of LILCO-employed school bus drivers to bus yards in the event of a Shoreham emergency; and
- (c) The schools to which particular bus drivers would be assigned (if such assignments are not available, then, all documents relating to the allocation of LERO bus drivers to EPZ schools).

Response: LILCO objects generally to Interrogatory No. 22 (a) as overly broad and not relevant to the issue of whether there will be enough school bus drivers available to drive buses in an emergency. Without waiving this objection, LILCO states that it is in the process of identifying documents that may be responsive and will provide such documents that are not privileged to Suffolk County within the 30-day production period. At present, the only responsive documents that LILCO tentatively has identified are the relevant portions of Revision 9 to the LILCO Plan, which LILCO will provide to the County by the end of the 30-day period. One such document, the "LERO School Bus Driver Procedure," is provided as Attachment 2 to these Answers.

With regard to Interrogatory No. 22 (b), LILCO is in the process of identifying documents that may be responsive to this interrogatory and will provide such documents that are not privileged to the County within the 30-day period.

LILCO objects to Interrogatory No. 22(c) as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The schools to which drivers would be assigned, and the "particular bus drivers" that would be assigned to them, are not relevant to the issue of whether, given the potential for role conflict, there will be

a sufficient number of school bus drivers available to evacuate EPZ schools during an emergency. Without waiving this objection, LILCO is in the process of identifying documents that may be responsive to this request and will provide such documents that are not privileged to the County within the 30-day period. See Att. 1 to these Answers.

Suffolk County Interrogatory No. 23

Identify all persons who would be relied upon by LILCO to notify, mobilize, brief, equip, dispatch, coordinate, control and/or manage LILCO-employed school bus drivers during a Shoreham emergency.

Response: LILCO objects to Interrogatory No. 23 on the grounds that it seeks information that is not relevant to the issue in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The sole issue in this remand concerns school bus drivers and, specifically, whether there would be enough school bus drivers available in an emergency to evacuate school children. That issue does not concern the identities of the LERO dispatchers, coordinators, staging area personnel, or any other LERO workers. Information about these and other LERO workers is not relevant to this proceeding. Without waiving this objection, LILCO states that the Rev. 9 school bus driver procedures will contain the relevant job titles of the persons who will perform these functions and will explain how the functions are to be performed.

Suffolk County Interrogatory No. 24

Provide copies of all documents relating in any way to any time estimates for the evacuation of public school children from the 10-mile emergency planning zone in a single wave under LILCO's schools evacuation proposal.

Response: LILCO objects to Suffolk County Interrogatory No. 24 on the ground that it seeks documents that are not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. School evacuation time estimates are in no way relevant to the issue of whether there will be enough school bus drivers available to drive school buses during a Shoreham emergency. In fact, evacuation time estimates are not mentioned anywhere in the Board's

December 30 Memorandum and Order denying LILCO summary disposition on the school bus driver issue. Although the Licensing Board directed LILCO to calculate evacuation time estimates for the schools in its Concluding Partial Initial Decision, Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-85-31, 22 NRC 410, 430 (1985), it is LILCO's position that the Board intended this matter to be a Staff confirmation item, especially in light of the Board's statement that the lack of evacuation time estimates, as well as 11 other "open" items, "can be remedied and such corrections should be in place by the time the plant commences operations." Id., 22 NRC at 429. In any case, school evacuation time estimates are not at issue in this remand proceeding.

Suffolk County Interrogatory No. 25

Provide a copy of all documents, including correspondence and drafts, concerning the adequacy, implementability, legality and/or efficacy of LILCO's schools evacuation proposal, including, but not limited to, the training, qualifications, licensing and/or certification of LILCO-employed school bus drivers and whether the school districts could or would permit LILCO's proposal to be implemented.

Response: To the extent Interrogatory No. 25 seeks documents concerning the "training, qualifications, licensing and/or certification of LILCO-employed school bus drivers," it is redundant and repetitive of Suffolk County Interrogatory No. 11. See LILCO's Response to Interrogatory No. 11.

LILCO objects to Interrogatory No. 25 to the extent it seeks documents prepared by or on the behalf of LILCO counsel evaluating the legality, adequacy, or implementability of the auxiliary school bus driver proposal. Such documents, if any in fact exist, would be protected by the attorney-client privilege and/or the attorney work product doctrine since they would be in the nature of evaluative assessments of the new proposal prepared in anticipation of litigation of the remanded role conflict/school bus driver issue. Such documents would reveal the mental impressions and thought processes of LILCO counsel. Notwithstanding and without waiving this objection, LILCO is in the process of identifying documents that may be responsive to this interrogatory,

and will provide any such documents that are not privileged to the County within the 30-day production period. At present, the only document that might be responsive and not privileged is LILCO's summary disposition motion on this issue, which attempted to show the absence of material fact issues on the adequacy and implementability of the auxiliary bus driver proposal.

Suffolk County Interrogatory No. 26

Provide a copy of all documents, including correspondence and drafts, concerning the impact on the implementability of LILCO's offsite emergency plan of LILCO's new schools evacuation proposal, including, but not limited to, the impact of having to notify, mobilize, brief, equip, dispatch, communicate with, coordinate and control, and/or manage as many as 562 additional LERO personnel.

Response: LILCO objects to Interrogatory No. 26 on the ground that it seeks documents that are not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. As stated previously, the basic issue in this remand is "whether, in light of the potential for role conflict, a sufficient number of school bus drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order at 5. This remand issue clearly does not and was not intended by the Board to include an evaluation of the impact of the auxiliary bus driver proposal on every other portion of the LILCO Plan. Such an evaluation is not relevant here. Of course, if Intervenors wish to undertake such an evaluation they are free to do so.

LILCO further objects to Interrogatory No. 26 to the extent it seeks documents prepared by or on the behalf of LILCO counsel concerning the impact of the auxiliary school bus driver proposal on other aspects of the Plan. If any such documents existed, they would be protected by the attorney-client privilege and/or the attorney work product doctrine.

Suffolk County Interrogatory No. 27

Identify all persons who participated in the drafting, designing, preparing, reviewing, revising, negotiating, or finalizing of LILCO's new schools evacuation proposal.

Response: LILCO objects to Interrogatory No. 27 on the ground of the attorney-client privilege and/or attorney work product doctrine, to the extent it attempts to include LILCO counsel in the group of persons who participated in the listed activities. LILCO also objects to Interrogatory No. 27 because it is redundant and repetitive of Suffolk County Interrogatory No. 5, which seeks the identity of any "individual . . . who participated in any way in activities concerning LILCO's new schools evacuation proposal." See LILCO's Response to Interrogatory No. 5.

Suffolk County Interrogatory No. 28

Provide a copy of all documents, including correspondence and drafts, concerning the drafting, designing, preparing, reviewing, revising, negotiating or finalizing of LILCO's new school evacuation proposal.

Response: LILCO objects to Suffolk County Interrogatory No. 28 to the extent it seeks copies of documents prepared by or on behalf of LILCO counsel in the reviewing, revising, finalizing, etc. of the new auxiliary school bus driver proposal. Such documents would have been prepared in anticipation of litigation and/or would reflect confidential client communications, and thus would be protected by the attorney-client privilege and/or the attorney work product doctrine. LILCO is in the process of identifying documents that may otherwise be responsive to this interrogatory and will provide such documents that are not privileged to Suffolk County before the end of the 30-day production period.

Suffolk County Interrogatory No. 29

Identify any and all locations to which school children would purportedly be transported by LILCO-employed school bus drivers in the event of a Shoreham emergency.

Response: LILCO objects to Interrogatory No. 29 because it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The only issue in this proceeding is "whether, in light of the potential for role conflict, a sufficient number of school bus

drivers can be relied upon to perform emergency evacuation duties." Memorandum and Order at 5. Although the identification of school reception centers was a matter left open by the Licensing Board in its PID and Concluding PID, see CPID, 22 NRC 410 at 430, it is not part of this remand. Indeed, it is LILCO's position that the school reception center matter is a Staff confirmation issue, not a litigation issue. In any case, it is not open for litigation in this remand proceeding.

Suffolk County Interrogatory No. 30

Identify all routes which might have to be driven by LILCO-employed school bus drivers in transporting school children during a Shoreham emergency.

Response: LILCO objects to Suffolk County Interrogatory No. 30 on the ground that it seeks information that is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The routes that LERO school bus drivers might have to drive in evacuating school children is not at all relevant to the issue of whether, given the potential for role conflict, a sufficient number of school bus drivers will be available for emergency evacuation duties.

Suffolk County Interrogatory No. 31

Provide a copy of all maps which LILCO-employed school bus drivers are purportedly to be given as part of their training.

Response: LILCO objects to Interrogatory No. 31 on the ground that it seeks documents that are irrelevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. The issue being litigated here is whether there will be a sufficient number of school bus drivers available to drive school buses in an emergency; the maps that will be given to the LERO auxiliary school bus drivers are not relevant to that issue.

Suffolk County Interrogatory No. 32

Provide copies of any documents relating to LILCO's new schools evacuation proposal and not previously produced, including, by way of example only, drafts, notes, and correspondence, whether produced or generated by LILCO, LERO, or non-LILCO organizations or individuals.

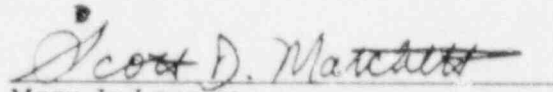
Response: LILCO objects to Interrogatory No. 32 because it is overbroad and unduly burdensome. Where Suffolk County has requested specific documents or categories of documents in Interrogatories 1-31, LILCO has responded appropriately and will furnish the County with such documents that are responsive and not privileged before the end of the 30-day production period. Interrogatory No. 32, however, is a blunderbuss request directed generally at any documents at all related to the "new schools evacuation proposal." As such, the request is overly broad, redundant, and unduly burdensome.

LILCO objects further to this interrogatory to the extent it seeks any documents produced by or at the direction of LILCO counsel, on the grounds that such documents are protected by the attorney-client privilege and/or the attorney work product doctrine.

Objections Stated by Counsel

All objections and references to objections were stated by counsel.

Respectfully submitted,


Mary Jo Leugers
Scott D. Matchett

Hunton & Williams
707 East Main Street
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Richmond, Virginia 23212

DATED: January 20, 1988

BUS ASSIGNMENT FOR SCHOOL EVACUATION

SCHOOL	ZONE	NUMBER OF STUDENTS ENROLLED	NUMBER OF STUDENTS REQUIRING TRANSPORT	BUSES FOR EVACUATION THAT NORMALLY SERVICE SCHOOL	SUPPLEMENTARY BUSES FOR ONE WAVE EVACUATION
<u>SHOREHAM WADING RIVER SCHOOL DISTRICT</u>					
Burcliff Road School	A	170	162	3 Seaman Shoreham	0
Miller Avenue School	A	274	261	4 Seaman Shoreham	1 Seaman Shoreham Spare
Shoreham-Wading River Middle School	B	408	473	6 Seaman Shoreham	2 Baumann Smithtown
Shoreham-Wading River High School	C	788	749	10 Seaman Shoreham	5 Seaman Shoreham Spares
Wading River School	D	386	367	6 Seaman Shoreham	1 Baumann Smithtown
<u>ROCKY POINT SCHOOL DISTRICT</u>					
Joseph A. Edgar School	F	550	523	5 Seaman Shoreham	4 Baumann Bohemia
Rocky Point Junior-Senior High School	G	1200	988	12 Seaman Shoreham	11 Baumann Bohemia
Rocky Point Elementary	G	900	855	9 Seaman Shoreham	6 Baumann Bohemia

BUS ASSIGNMENT FOR SCHOOL EVACUATION

SCHOOL	ZONE	NUMBER OF STUDENTS ENROLLED	NUMBER OF STUDENTS REQUIRING TRANSPORT	BUSES FOR EVACUATION THAT NORMALLY SERVICE SCHOOL	SUPPLEMENTARY BUSES FOR ONE WAVE EVACUATION
<u>LONGWOOD CENTRAL SCHOOL DISTRICT</u>					
Ridge Elementary School	G	1275	1212	16 Suburbia Middle Island	5 Baumann Riverhead
West Middle Island Elementary School	K	806	766	10 Suburbia Middle Island	3 Coram, Coram
Coram Elementary School	K	991	942	13 Suburbia Middle Island	3 Coram, Coram
Longwood Middle School/Junior High School	M	2680 Split Session	1273	22 Suburbia Middle Island	0
Longwood High School	M	1879	1429	31 Suburbia Middle Island	5 Baumann Smithtown
Charles E. Walters Elementary School	M	1042	990	8 Suburbia Middle Island	9 Suburbia Bohemia
<u>MILLER PLACE SCHOOL DISTRICT</u>					
North Country Road School	F	425	404	4 Suburbia Middle Island	3 United Coram
Andrew Muller Primary School	F	786	747	6 Suburbia Middle Island	7 United Coram
Sound Beach School	F	600	570	5 Suburbia Middle Island	5 United Coram
Miller Place High School	K	807	614	6 Suburbia Middle Island	10 United Coram

BUS ASSIGNMENT FOR SCHOOL EVACUATION

SCHOOL	ZONE	NUMBER OF STUDENTS ENROLLED	NUMBER OF STUDENTS REQUIRING TRANSPORT	BUSES FOR EVACUATION THAT NORMALLY SERVICE SCHOOL	SUPPLEMENTARY BUSES FOR ONE WAVE EVACUATION
<u>MT. SINAI SCHOOL DISTRICT</u>					
Mt. Sinai Junior High School	K	864	812	14 Harborview Coram	0
Mt. Sinai Elementary School	K	966	912	16 Harborview Coram	0
<u>PORT JEFFERSON SCHOOL DISTRICT</u>					
Port Jefferson Junior High School	Q	289	275	1 Suburbia Middle Island	4 Bruno Lake Ronkonkoma
Port Jefferson Elementary School	Q	563	535	5 Suburbia Middle Island	4 Baumann Bohemia
Earl L. Vandermeulen High School	Q	1150	875	8 Suburbia Middle Island	14 Baumann Northport
<u>CONSEWOGUE SCHOOL DISTRICT</u>					
Clinton Avenue Elementary School	K	492	468	6 Medi Bus Port Jefferson Station	2 Baumann Smithtown
Consewogue Senior High School	K	1355	1031	11 Medi Bus Port Jefferson Station	15 Suffolk Bay Shore
Terryville Elementary School	K	402	382	3 Medi Bus Port Jefferson Station	4 Starlite East Northport
J.F. Kennedy Junior High School	K	589	560	9 Medi Bus Port Jefferson Station	1 Bruno Lake Ronkonkoma

BUS ASSIGNMENT FOR SCHOOL EVACUATION

SCHOOL	ZONE	NUMBER OF STUDENTS ENROLLED	NUMBER OF STUDENTS REQUIRING TRANSPORT	BUSES FOR EVACUATION THAT NORMALLY SERVICE SCHOOL	SUPPLEMENTARY BUSES FOR ONE WAVE EVACUATION
<u>PATCHOGUE-MEDFORD SCHOOL DISTRICT</u> Eagle Elementary School	R	814	774	13 United Coram	0
<u>SOUTH MANOR SCHOOL DISTRICT</u> South Street School	O	500	475	8 Adelwerth Eastport	0
Dayton Avenue School	N	425	404	7 Adelwerth Eastport	0
<u>RIVERHEAD CENTRAL SCHOOL DISTRICT</u> Riley Avenue Elementary School	P	351	315	6 Riverhead School District	0
Pulaski Street Elementary School	S	544	517	9 Riverhead School District	0
Riverhead Junior High School	S	755	718	12 Riverhead School District	0
Riverhead High School	S	1019	775	20 Riverhead School District	0

BUS ASSIGNMENT FOR SCHOOL EVACUATION

SCHOOL	ZONE	NUMBER OF STUDENTS ENROLLED	NUMBER OF STUDENTS REQUIRING TRANSPORT	BUSES FOR EVACUATION THAT NORMALLY SERVICE SCHOOL	SUPPLEMENTARY BUSES FOR ONE WAVE EVACUATION
<u>NURSERY SCHOOLS</u>					
Wading River Cooperative Play School	C	32	32	0	1 Amboy Setauket
St. John's Pre-School	E	17	17	0	1 Amboy Setauket
St. Anselm's Nursery School	F	38	38	0	1 Amboy Setauket
Trinity Lutheran Nursery School	G	50	50	0	1 Amboy Setauket
Sound Beach Pre-School Co-op	F	19	19	0	1 Amboy Setauket
Step by Step Early Learning Center	G	30	30	0	1 Amboy Setauket
Alphabetland Child Enrichment Center	F	50	50	0	1 Medl Bus Port Jefferson Station
Coram Child Care Center	K	50	50	0	1 Amboy Bohemia
Central Brookhaven Head Start	R	75	75	0	2 Amboy Bohemia
Middle Island Nursery School	M	13	13	0	1 Amboy Bohemia
Brookhaven Country Day School	L	45	45	0	1 Amboy Bohemia
Just Kids Early Learning Center	M	120	120	0	3 Coram Coram

LERO SCHOOL BUS DRIVER PROCEDURE

1. Upon callout LERO School Bus Drivers should report to bus yard designated in callout packet.
2. At bus yard, proceed to the bus yard dispatcher's office. Inform the bus yard dispatcher that:
 - a) There is a Shoreham emergency and that you are a LERO School Bus Driver.
 - b) You have a current New York State Class 2 Driver's License.
 - c1) (At a bus yard that normally provides buses to an EPZ school)
You are available if needed to drive a bus to support an evacuation of the school children or accompany a regular school bus driver who has not received dosimetry training.
 - c2) (At a bus yard that does not normally provide buses to an EPZ school)
Request that a bus be assigned to you.
3. After a bus has been assigned to you, obtain an Assignment Packet from the LERO box. (The LERO box will either be stored in the bus yard dispatcher's office or brought by one of the LERO bus drivers). If accompanying a regular bus driver, pick a packet for that bus drivers regular school assignment. If all packets have already been taken, report to the Bus Dispatcher at the Patchogue Staging Area.
4. Ensure the Assignment Packet contains:
 - a) One 0-200 mR Direct Reading Dosimeter (DRD)
 - b) One 0-5R DRD
 - c) One Thermoluminescent Dosimeter (TLD)
 - d) Emergency Worker Dose Record Form (OPIP 3.9.1, Att. 2)
 - e) Emergency Worker Bus Driver Badge
 - f) Bus Lease Receipt Form (OPIP 3.6.4, Att. 14)
 - g) Directions to School

LERO SCHOOL BUS DRIVER PROCEDURE

(Continued)

- h) Directions to School Relocation Center
 - i) School Relocation Center Area Diagram
 - j) School Relocation Center Location Assignments
 - k) School Children Log Out Form
 - l) Directions to the EWDF
 - m) Pen or Pencil
5. Fill out Part I of the Emergency Worker Dose Record Form. Check both DRDs to ensure they are reading between zero and 20% of full scale. If necessary zero the dosimeter. Enter the readings in the column marked "Initial" in Part II of the Emergency Worker Dose Record Form. Keep all 3 parts of this form with you.
 6. Clip both DRDs and the TLD to your outer clothing on the upper part of your body.
 7. Examine the assigned bus and fill out Bus Lease Receipt Form. Leave Pink Copy with the bus yard dispatcher.
 8. Proceed to the designated school. Identify yourself to a school staff member and inform them you are available to assist in evacuating the school if needed.
 9. When directed by school personnel assist in loading children. Request that a school staff member accompanies the children.
 10. Take the children to the designated relocation center, unless told differently by the school staff member. The school representative has final say on the bus destination.
 11. Provide the school representative with the School Relocation Center Location Assignments and the School Children Log Out Form.
 12. Upon arrival at the School Relocation Center drop off children at the location designated on the School Relocation Center Area Diagram.
 13. Park the bus and take the keys with you.

LERO SCHOOL BUS DRIVER PROCEDURE

(Continued)

14. Proceed to the School Relocation Center Assignment Station shown on the School Relocation Center Area Maps and pick up an assignment packet.
15. Perform the assignment identified in the packet.
16. When told that your job is completed by a School Relocation Center Staff member, proceed to the EWDF.
17. At the EWDF, turn in your dosimetry, two copies of Emergency Worker Dose Record Form and the Yellow Copy of your Bus Lease Receipt Form.
18. Return to the Bus Yard and fill out Part I of the Bus Lease Receipt Form. Ensure that you sign the form.
19. Give the completed form to the bus company dispatcher before leaving the bus yard.

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CERTIFICATE OF SERVICE

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

I hereby certify that copies of LILCO's Responses and Objections to Suffolk County's First Set of Interrogatories and Request for Production of Documents were served this date upon the following by Federal Express as indicated by one asterisk, or by first-class mail, postage prepaid.

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DATED: January 20, 1988