

October 8, 1985

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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'85 OCT 10 P3:16

Before the Atomic Safety and Licensing Appeal Board

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

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

SUFFOLK COUNTY AND STATE OF NEW YORK  
MOTION FOR EXTENSION OF TIME  
FOR FILING EMERGENCY PLANNING APPEAL BRIEFS

Pursuant to the Appeal Board's order responding to Mr. Kelley's letter dated October 4, 1985 concerning the need for additional time to file the Suffolk County brief on emergency planning issues, Suffolk County and the State of New York hereby request an extension of time to file the briefs now due October 15, 1985. By this motion, the County and State seek an extension of the filing deadline to October 23, 1985 for the brief relating to the April 17, 1985 decision and to November 6, 1985 for the brief relating to the August 26, 1985 decision.

As explained in the October 4 letter to the Board, extensive damage to the electric power system resulting from Hurricane Gloria which struck Long Island on September 27, 1985 made it impossible to work productively during the period September 27 to

**GRANTED\***  
For the Appeal Board

*C. James Sheppard* 10-9-85  
Secretary to the Appeal Board

\*The Board expects the new deadlines to be met and will not grant a further extension absent a showing of the most extraordinary cause.

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October 4 in preparing the County's brief. The loss of electric power forced the closing of County offices, resulted in high absentee rates even after the offices were reopened, and made it impossible to use word processing equipment essential to brief preparation. See the attached Newsday article which describes conditions on Long Island following the hurricane. Reliable electric power appears to have been restored to the County's offices as of October 7, 1985.

The County and State seek an eight-day extension of the filing deadline for for the brief on the April 17 PID in order to make up for the time lost due to the effects of Hurricane Gloria. In addition, the requested brief extension of time will permit the State and County to deal with the logistics of producing a combined 100-page appeal brief rather than filing two separate briefs.

Based upon telephone conversations with the Appeal Board's law clerk, we understand that pending receipt of a motion from the parties, the Board has set October 15, 1985 as the due date for the County's and State's brief on the relocation center issues addressed in the August 26 decision. As noted in the October 4 letter, the legality of LILCO's proposed use of the Nassau Coliseum is the subject of pending litigation and the County and State believe that the appeal briefs should be filed after completion of that litigation. Should this Board wish to go forward despite the pending potentially dispositive

litigation, however, the County and State request that the filing deadline for submission of the County's and State's brief on the relocation center issues be extended to November 6, 1985, two weeks after the requested filing date for the brief on other emergency planning issues. The difficulties and delays attendant to preparing the brief on the April PID have made it impossible to focus on this second brief. The additional time will allow the State and County to coordinate efforts, which we intend will result in a single brief on the relocation center issues.

Counsel for the Town of Southampton has authorized us to state that the Town joins in this Motion. The County and State and Town intend that the Town will join in each of the aforesaid briefs rather than filing a separate brief. The additional time will assist in allowing a single brief by all appellants on each filing date.

A copy of this motion was provided by telecopier at approximately 10:30 A.M. today, October 8, 1985, to counsel for Lilco and counsel for the NRC.. The Staff authorized us to state that it neither supports nor opposes the Motion, but will file a statement of its position by close of business Thursday, October 10, 1985. Counsel for Lilco has indicated that he intends to oppose both requested extensions and that he will file his objection in written form on Thursday, October 10, 1985. In light of the obviously tight schedule and the logistic realities involved

in preparing and finalizing for filing briefs of this magnitude, it is essential that we obtain a ruling by this Board as early as possible. Accordingly, we propose that there be a conference call scheduled as soon as possible to allow Lilco's counsel to state its objection and to permit an expeditious Board ruling. Counsel for the County and the State would be available for such a conference call first thing Wednesday morning, October 9, 1985.

Respectfully submitted,

Martin Bradley Ashare  
Suffolk County Attorney

By: Eugene R. Kelley  
Eugene R. Kelley  
Chief Deputy County Attorney

Fabian G. Palomino (by ECR)

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# Gloria + 8 = 81,000 Still Out

## LILCO chief, back at work, criticized by county executives

By Lawrence C. Levy

LILCO let there be light yesterday to more than a quarter of the customers who began the day without it, but 81,000 homes and businesses remained in the dark eight days after Hurricane Gloria struck — and many were likely to stay that way beyond the weekend.

About 4 p.m. yesterday, the outages became the longest ever for the utility, which took seven days and four hours to restore power to all customers knocked out by Hurricane Belle in August, 1976.

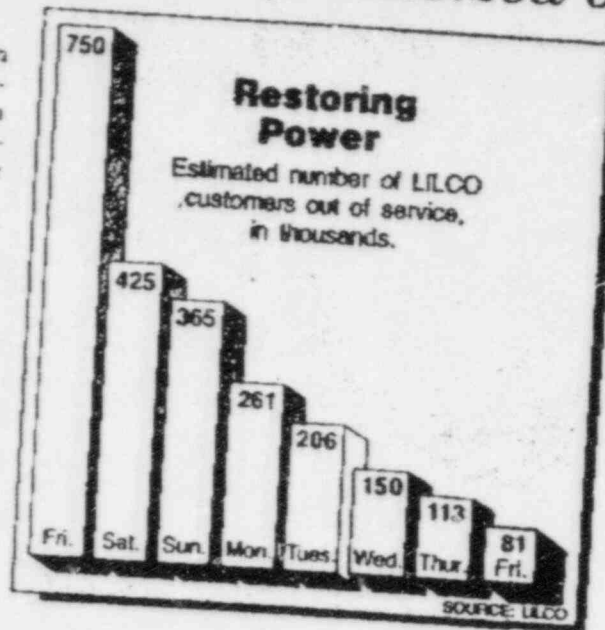
Gloria is expected to beat Belle by far. Chief Deputy Suffolk County Executive John Gallagher said that Long Island Lighting Company chairman William Catacosinos told county officials yesterday that the utility hoped to restore power by Sunday night to 95 percent of the Suffolk customers who had lost it. "It wasn't a pledge or a guarantee, but he said that was their goal," Gallagher said.

LILCO restored power to 32,000 homes yesterday. But the company could not say how many people it expects to be without power by the end of the weekend.

In Nassau, the number of outages was down to about 2,000, but LILCO could not predict when power to those customers would be restored.

Soon after the hurricane downed thousands of utility poles and transmission lines last Friday, cutting power to more than 750,000 homes and businesses on Long Island, LILCO officials had said they expected to complete repairs within a week.

"Now, as your self-imposed deadline approaches,



it appears that LILCO management will not be able to complete all of the repairs promised by Sunday," Suffolk County Executive Peter Cohalan wrote yesterday in a letter to Catacosinos. "Judging by the hundreds of phone calls to my office, and from tours around the county, the residents . . . still without power are angry and justifiably losing their patience."

Catacosinos returned to work Thursday from Europe, where he had remained on vacation during the

worst disaster in the utility's history. Yesterday, on his first full day back at work, Catacosinos was struck by a storm of criticism over his absence and the utility's failure to provide officials with more details.

After an hour-long meeting with the LILCO chairman, Cohalan said he demanded — and Catacosinos agreed — to provide a neighborhood-by-neighborhood breakdown of the outages and when they'll be repaired.

"After a week, people are frustrated," Cohalan said. "All they are getting are vague promises of *manana* and they are tired of it. I don't blame them. People have a right to be upset."

Cohalan said that if he didn't get the report from LILCO by noon today, "we'll rake them over the coals." He did not elaborate, but acknowledged that the county had limited recourse.

He said he was particularly concerned about the estimated 40,000 Suffolk residents who are without water as well as power. "If people who are in that situation had a date . . . of when the hookup will occur . . . they could better live with it."

Gallagher said the information is needed for more than just public morale. The county, he said, needs to know where "to move our resource people — the Salvation Army, Red Cross — into the right places."

Nassau County Executive Francis Purcell also met with Catacosinos and expressed his displeasure

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over the utility chairman's absence during the cleanup.

"I put it very bluntly: 'If it was me I would have gotten back here . . . that symbolically you should have been there,'" Purcell said in an interview. "If it was me I would have gotten my ass on the first plane back. I would have swum back if I had to."

Purcell said that Catacosinos didn't defend his decision to remain abroad with his wife. "He wasn't defending it," Purcell said. "He said it was a vacation that he'd planned for three years, that his wife was still in Italy. He said he was in touch every day with his top people . . ."

Although Catacosinos didn't say so directly, Purcell said, he believes the LILCO chairman realizes he should have returned. "The impression I got was, yes, that he felt he should have been there," said Purcell. "Did he learn a lesson? Yes . . ."

Cohalan, who criticized Catacosinos earlier for remaining in Europe, said: "I wish he had been here from the inception," but added that his return is "a positive response."

Purcell said that during a meeting in the county executive's Mineola office Catacosinos seemed "very tense — his mood was one of concern. He felt this was a terrible catastrophe."

Emerging from his meeting with Cohalan, Catacosinos told a reporter, "I'll answer certain questions and others I won't." Asked why he did not return from his vacation immediately, he said, "I don't want to go into that right now."

Then Catacosinos added: "I left [for Europe] before the storm hit. The plans had been in place for a long time and I have been in constant contact with

company officials." Asked what message his absence sent — especially in light of company policy that cancels vacations during serious storms — he said: "What it says is that this is not a one-man organization. It is made up of personnel who do their jobs very well . . . Our people are doing an excellent job in a storm that totally devastated our electric distribution system." The weather, meanwhile, wasn't helping.

State Health Commissioner David Axelrod, head of Gov. Mario Cuomo's task force investigating LILCO's performance, said utility officials told him that they were extremely concerned about the "lousy" weather predicted for this weekend. "The concern was . . . that thunderstorms would impede the activity [of crews] and could knock out power," Axelrod said.

Axelrod said that utility sources had indicated that repairs might not be completed until the middle of next week.

LILCO was not alone in encountering difficulty yesterday:

● The Long Island Rail Road offered full service to all areas for the first time since Gloria struck — but nearly a quarter of its trains in the morning rush hours ran late. After a week of curtailed service to the East End because of no power, which knocked out crossing gates and switches, the LIRR began running trains to Montauk and Greenport on Thursday evening. But crossing gates were still not working yesterday between Yaphank and Greenport and trains had to stop at each crossing. As a result, during the morning rush 32 of the 139 scheduled trains were late: up to 29 minutes and one was canceled. In the evening, only 10 of 119 were late.

● New York Telephone also found the going slow: The company, which has 2,600 repair crews in the field, hooked up 4,000 of 24,000 customers, virtually all of them homeowners, who were without power on Thursday night. Spokesman Bruce Reisman said the company hoped power could be restored by the end of the weekend. All of the outages were in Suffolk, on the South Shore in low-lying areas from the county line to East Moriches, on the North Shore in areas of Smithtown and Brookhaven, and in most of the North and South Forks.

● Virtually all cable television service has been restored to Nassau, except to parts of Great Neck, Bellmore and Massapequa. But in eastern Suffolk, 11,000 customers were out.

There were a few bright developments. Reisman said New York Telephone customers would not be charged for the time their phones were out, but he asked that they call business offices to be sure to receive credit. Nassau Consumer Affairs Commissioner James E. Picken said that cable television customers will be credited for lost service totaling 24 hours or more. However, the credit must be requested and it may take several months for the company to approve the claim. He urged patience.

But patience is becoming increasingly scarce. "People are becoming increasingly frustrated by the lack of lights and we are too," said Eric Kopp, a spokesman for Cohalan, adding: "It looks like we are going to continue to provide for people's needs next week."

*Bill Bleyer, Rick Brand, John Cummings, John McDonald and Martin Wesion contributed to this story.*

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CERTIFICATE OF SERVICE

I hereby certify that, on this 9th day of October, 1985, I mail a copy of the Appeal Board's grant by stamp endorsement of the "Suffolk County and State of New York Motion for Extension of Time for Filing Emergency Planning Appeal Briefs" (first page only), dated October 8, 1985, to each of the following:

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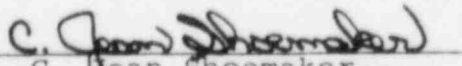
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