UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PORTLAND GENERAL ELECTRIC COMPANY,
ET AL.

(Trojan Nuclear Plant)

Docket No. 50-344 (Control Building)



MOTION TO POSTPONE HEARING

The Staff's Safety Evaluation Report (SER) on the proposed modifications to the Trojan Control Building is scheduled for issuance on September 7, 1979. In this regard, Staff technical personnel have been working continuously over the past several weeks to complete the review and resolve remaining open questions with regard to the adequacy of the proposed modifications to bring the seismic capability of the Control Building into substantial compliance with the requirements of the operating license.

Despite these efforts, there remain at this time a number of unresolved questions including among others:

- Adequacy of the modified complex to withstand a number of earthquakes, not exceeding the OBE level of 0.15g, followed by an SSE.
- Adequacy of the procedures used for grouting of new rebar into the existing walls and rock.
- 3) Conclusions of the testing program regarding the effectiveness of horizontal reinforcement on increasing shear strength.

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As set forth in the attached affidavit of Kenneth S. Herring, a second round of structural questions (based upon review of responses submitted in June and July, 1979 to the first round questions) was transmitted to the Licensee on August 17, 1979 covering these and other unresolved items. Based on oral indications of intended responses to these questions communicated during subsequent conference calls between the Staff and Licensee, we believed that these matters would be satisfactorily resolved well before the date scheduled for SER issuance. However, formal written responses received by the Staff at a late date have failed to resolve these matters to our satisfication and have, in some instances, raised additional questions or concerns.

Because these matters stand unresolved and because additional information and analysis is required from the Licensee and must be evaluated by the Staff before resolution is possible, the Staff's SER, as of this time, is incomplete. To issue the SER now in incomplete form and attempt to maintain the SER discovery, prefiled testimony and hearing schedules culmanating in the commencement of the hearing on October 10, 1979 would result in the same situation as occurred in Phase I for interim operation. In Phase I, unresolved questions at the commencement of the hearing could not be resolved during the hearing and necessitated additional Staff questions to the Licensee, the preparation of additional testimony and the holding of additional hearing sessions. The Board has indicated its determination to avoid a repetition of this in Phase II and the Staff is in full agreement that a similar situation must be avoided. Accordingly, the Staff proposes to not issue an incomplete SER on September 7.

Unfortunately, this is at least the second occasion in which the Staff has been unable to meet a scheduled SER issuance date in Phase II of this proceeding. In the past, we have attempted to give assurances as to when the SER would be issued based on our procession of the complexity of the open items that remained

responses to Staff inquiries. These have not proven to be accurate predictors and we are unable to state an SER issuance date as we have in the past. Consequently, the Staff would propose to send the Licensing Board and parties weekly reports as to the status of the resolution of the open items and issuance of the SER and respectfully requests that:

- (1) The current schedule for the filing of the SER, parties' discovery on the SER, the filing of prefiled testimony and the commencment of hearing be suspended once again.
- (2) Schedules for the filing of parties' discovery on the SER, submission of prefiled testimony and the commencement of hearing not be set until the SER is issued. This, we believe, is the only manner in which the situation which arose in Phase I as well as additional postponements and rescheduling can be avoided.

The Staff will make its best efforts to resolve the open items and complete the SER in as timely as fashion as is possible consistent with a full and satisfactory resolution of the important safety issues raised by the proposed Control Building modifications.

Respectfully submitted,

Counsel for NRC Staff

Dated at Bethesda, Maryland this 6th day of September, 1979