

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 satisfaction 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 culminating 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.

1147 219

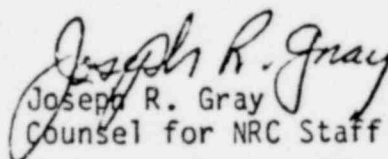
Unfortunately, this is at least the second occasion in which the Staff has been unable to meet a scheduled SER issuance date in Phase II of this proceeding. In the past, we have attempted to give assurances as to when the SER would be issued based on our perception of the complexity of the open items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

to be resolved and our expectations as to the nature and quality of the Licensee's 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 pre-filed testimony and the commencement 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,


Joseph R. Gray
Counsel for NRC Staff

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

1147 220