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December 8, 1979

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RE: Portland General Electric Company, et al.  
(Trojan Nuclear Plant)  
Docket No. 50-344  
(Control Building Proceeding)

Gentlemen:

The Licensing Board's Modification of Order Permitting Operation of Trojan Nuclear Plant (November 30, 1979), was received by Licensee on December 4.

Because Licensee was meeting with the NRC Staff on December 5 and 6, several days were required to comply with Paragraph 3 of the Order which requires that Licensee "shall immediately render a full written report to the Board as to the status of all information requested of it by the Staff and not fully supplied to the Staff's satisfaction." Such report is contained in the enclosed affidavit of Donald J. Broehl, Assistant Vice President of Portland General Electric Company.

In addition, in accordance with Paragraph 5 of the Order, Licensee is preparing a statement and documentation of its views as to how long interim operation of the Trojan facility should be permitted, in the absence of submission of firm plans for modification of the Control Building. Such views will be submitted to the Board by December 11.

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The first part of the Broehl Affidavit discusses the information which the Staff has requested concerning the proposed modifications to the Control Building, as well as the status of Licensee's responses thereto. In two meetings with the Staff (on October 18-19 and on December 6), Licensee obtained clarifications of certain Staff questions and discussed Licensee's approach to providing the requested information. We have to date filed answers to 11 of the Staff's 48 questions. We are not aware of any substantive difference between the Licensee and the Staff concerning the proposed modifications, and we are preparing the substantial documentation that the Staff has required concerning the design and implementation of the proposed modifications. We plan to file our responses to the 37 remaining Staff questions by December 22.

The Broehl Affidavit also explains the reasons for the extended period involved in the preparation of responses to the Staff's questions. We are certain that the Board is aware of our earnest desire to complete Phase II of this proceeding at the earliest possible date. We assure the Board that we will take every possible step to complete submittal of our responses by the date we have specified above.

We would like to emphasize that none of the questions asked by the Staff raises any doubt as to the safety of continuing interim operation of the Plant. The questions deal solely with the design and implementation of the proposed modifications.

The second part of the Broehl Affidavit discusses the concern expressed by the Board (Order, p. 2) as to the scope of the review that was performed of safety-related equipment within the Control-Auxiliary-Fuel Building Complex (the "Complex") for purposes of interim operation and as to whether such review conformed to the Partial Initial Decision. The affidavit first retraces briefly the history of these reviews, including how they arose from the results of the STARDYNE finite element analysis. It then explains how the review was performed and implemented, and how it conformed fully to the requirements for interim operation.

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The final part of the Broehl Affidavit provides the "current and updated information as to the wall problem" required by Paragraph 3 of the Order. To place the "wall problem" in proper perspective, the affidavit contains a brief description of the background of this matter, subsequent developments and its current status. \*/ As explained in the affidavit, substantial progress was made in resolving the Staff's questions on this subject at the meeting on December 5-6. The Staff identified five areas in which it requires additional documentation in order to be satisfied that operation of the Plant can resume safely. The Licensee is confident that it can provide such additional documentation no later than December 13. We expect that the Staff will be able to express its satisfaction shortly thereafter.

As specified in the Broehl Affidavit, all corrective actions concerning the "wall problem" are expected to be completed by about December 15.

In addition to describing the status of the "wall problem," the Broehl Affidavit also discusses how the information developed to date confirms that the "wall problem" did not involve any shear walls relied upon to provide seismic resistance capability in the Complex and has no direct relationship to the design deficiencies which are the subject of the Control Building proceeding, and that any indirect bearing is minimal.

The Broehl Affidavit complies completely with the Board's request in Paragraph 3 of the Order for "immediate" information from the Licensee, and demonstrates both that the wall problem is essentially unrelated to the issues in this proceeding and that all questions relating thereto are being appropriately resolved to the Staff's satisfaction. The Staff's letter to the Board of December 4 indicates that the Staff was filing on December 7 its report complying with the Board's request for "immediate" information from the Staff.

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\*/ In light of the Board's Order, the latest information submitted to the Staff on this subject (Supplement No. 2 to LER 79-15) has been forwarded to the Board and all parties under separate cover.

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Since the Board will have received all of the information that it has requested "immediately" and since we are confident that such information will reflect that there is no health and safety consideration relating to the issues in this proceeding that justifies prohibition of resumption of operation, we respectfully request that the Board issue a "further order" pursuant to Paragraph 1 removing its prohibition on resumption of operation of the Plant.

In view of all of the circumstances recited above, further delay in Plant operation is unnecessary once the Staff has determined that it is satisfied concerning the "wall problem." Moreover, any such delay would cause significant harm to PGE and to the electricity consumers that it supplies. The enclosed affidavit of Robert H. Short, President of Portland General Electric Company, describes the unique circumstances facing PGE in the Pacific Northwest region over the next two to three months and explains the basis for PGE's belief that the public interest requires operation of the Plant as soon as possible and through January and February 1980. Because of the seasonal characteristics of their hydro resources, PGE and the Pacific Northwest as a region are most dependent upon thermal plants during December through February. Moreover, because of residential and commercial space heating uses, PGE and the region experience greatest system energy and peak demands during these months. Several factors, including the fact that Columbia River natural flow has been near the lowest on record, combine to make PGE's dependency on the Plant's output at this time greater than it has ever been in the past or is likely to be in the future. PGE has exhausted its ability to purchase energy from the usual sources and even its ability to make substantial high-cost purchases from extraordinary sources has diminished drastically. The Plant would normally contribute 4-1/2 billion kilowatt-hours of PGE's total service of 14 billion kilowatt-hours per year. As stated in the Short Affidavit, the failure to operate the Plant this winter will cause PGE to default on its obligations either to other utilities or to serve its own loads. PGE is now preparing to enact mandatory curtailment in January 1980 in the event the Plant cannot operate.

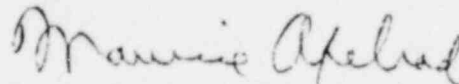
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We recognize that, when the Board issued its Order, it was aware that the Plant was shut down. It is apparent that the Board desired that the status quo be maintained while it sought relevant information from the Staff and the Licensee, and we note that it ordered such information (from the Staff under Paragraph 2 and from the Licensee under Paragraph 3) to be provided "immediately" so that it could act in timely fashion without unfairly penalizing the Licensee and its customers. \*/ We are confident that the Board did not then, and would not now, desire to prevent Plant operation in the absence of any health or safety reason therefor. The information we are providing herewith demonstrates that operation of the Plant can be resumed safely by about December 15, and we have every reason to expect that the filings by the Staff will be consistent with the views we have expressed.

Accordingly we urge the Board to issue a "further order" pursuant to Paragraph 1 in accordance with our foregoing request prior to December 15, 1979.

Respectfully submitted,



Maurice Axelrad, Esq.

MA/fgr

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\*/ The Board has also requested information from the Staff concerning the date for filing of the SER and from all parties concerning the length of interim operation. As we will show in our filing by December 11, the record of this proceeding demonstrates that the period of interim operation has no effect on the public health and safety. Moreover, the period of interim operation is clearly a matter distinct from whether operation can resume. The Board recognized that it did not need to rule promptly as to the period of interim operation by not requiring parties to file such information "immediately" and, in fact, by setting no date for such filing. As indicated above, any delay in resumption of operation in the absence of public health and safety considerations would severely penalize Licensee and its customers. Such delay should obviously not be occasioned by awaiting receipt of parties' views on a separate issue.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PORTLAND GENERAL ELECTRIC COMPANY,	)	Docket No. 50-344
<u>et al.</u>	)	
	)	(Control Building Proceeding)
(Trojan Nuclear Plant)	)	
	)	
	)	
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 1979, the letter dated December 8, 1979, from Maurice Axelrad to the members of the Atomic Safety and Licensing Board and the attached affidavits of Donald J. Broehl and Robert H. Short have been served upon the persons listed below by depositing copies thereof in the United States mail with proper postage affixed for first class mail.

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Washington, D. C. 20555

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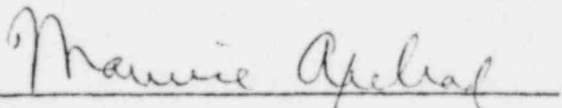
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Dated: December 8, 1979

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