

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))	
)	February 28, 1980
_____)	

LICENSEE'S MOTION CONCERNING
SCHEDULE FOR FILING TESTIMONY
AND SPECIFICATION OF MATTERS
TO BE CONSIDERED AT EACH
HEARING SESSION

In accordance with the Board's Notice of Evidentiary Hearing on Control Building Proceeding, Phase II (February 7, 1980), the evidentiary hearing in this proceeding will be held on March 31 to April 5 and will then resume on April 16. Pursuant to the Order of the Licensing Board entered December 29, 1979, all parties to this proceeding are to prefile their written testimony on March 17. (Tr. 3448)

Licensee's witnesses are currently preparing the written testimony to be filed by March 17 and Licensee fully expects to meet such filing date.

As the Board has undoubtedly noted, Section 5 of the Safety Evaluation filed by the NRC Staff on February 14 contained a number of unresolved items concerning the structural behavior of the proposed

modified Complex and, therefore, concerning its structural adequacy.^{*/}
The testimony to be filed by Licensee by March 17 will include a detailed discussion of such unresolved items by experts from Licensee's architect-engineer, Bechtel Power Corp. Licensee also plans to submit testimony concerning the structural adequacy of the modified Complex by its two independent experts, Professors Boris Bresler and Myle J. Holley.

Licensee believes that the record in this proceeding would be developed more constructively if the other parties in this proceeding had an opportunity to take into account the prepared testimony of Licensee's witnesses before they had to file their own testimony concerning structural adequacy. Accordingly, we suggest that the Board permit the other parties to defer until March 26 the filing of their testimony concerning the structural adequacy of the proposed modified Complex. Since there is no reason for the other parties to delay filing of their testimony on other subjects, however, such testimony would still be due by March 17.

To accommodate the foregoing suggestion for the filing of testimony, Licensee further suggests that the hearing be conducted as follows:

(1) The hearing session from March 31 to April 5 can take up and dispose of all matters other than the structural adequacy of the proposed modified Complex. This would include all of the contentions

^{*/} For purposes of this motion, this general subject area (which includes consideration of the impact of the modified Complex on the seismic qualification of equipment) will be referred to as "structural adequacy of the modified Complex."

filed by Joint Intervenors, since they either do not deal with or deal only peripherally with the deferred subject. ^{*/}

(2) The hearing session commencing on April 16 can then take up and dispose of the remaining subject, i.e., the structural adequacy of the proposed modified Complex. ^{**/}

Licensee believes that there are a number of advantages to the Licensee's suggestions.

First and foremost, prior to the hearing session dealing with the important subject of structural adequacy the Board would have the benefit of reviewing not only Licensee's prefiled testimony concerning the unresolved items but also the prefiled testimony of other parties ^{***/} reflecting their consideration of Licensee's testimony.

Second, the record developed at the two hearing sessions would be clearer and more compact for purposes of review by the Board and any subsequent appellate bodies. This would result from the fact that testimony of all parties on related subjects (i.e., the manner of performing the modification work) would be taken up at the March 31-

^{*/} To the extent that some of the contentions of the Joint Intervenors may be intended to include impacts on the structural behavior of the as-built Complex during performance of the modification work, such contentions can be fully heard at this first hearing session. Such contentions do not relate to the structural adequacy of the modified Complex.

^{**/} Licensee believes that the March 31-April 5 hearing session should be sufficient for a full hearing on the subjects to be taken up at that time. If necessary, however, any remaining testimony concerning such subjects can of course be taken up at the resumed hearing on April 16.

^{***/} Since the testimony of the parties on this subject would be filed by March 26, the Board and the parties would receive it well in advance of the April 16 hearing date.

April 5 session and appear in the record together; while the testimony of all parties on structural adequacy would appear in the record of the April 16 session. If Licensee's foregoing suggestions were not adopted, it is possible that most or all of the March 31-April 5 session would be required solely for the testimony of Licensee's witnesses on all subjects; and that all of such subjects would have to be taken up again at the April 16 session for the testimony of witnesses of other parties plus Licensee's rebuttal testimony, if necessary.

Finally, since the parties would know in advance which subjects would be taken up at each of the two hearing sessions they would be able to plan more effectively which witnesses would need to attend a particular session. Thus, witnesses concerning performance of the modification work would not need to return after the March 31-April 5 session; and witnesses concerning structural adequacy would not need to be present until the April 16 session.

Since we do not perceive any prejudice to any party from the foregoing suggestions, we do not expect that there will be any objections. However, we fully appreciate that the Board will want to hear the views of each of each of the parties at the March 11 pre-hearing conference prior to ruling on this motion. It is being filed at this time in order to permit the Board and the parties to give it ample consideration prior to the pre-hearing conference.

* * *

For the foregoing reasons, the Licensee moves that the Board reaffirm the previously ordered schedule with the following modifications:

(1) Licensee shall file its written testimony on all subjects by March 17. All other parties shall file their written testimony on all subjects other than the structural adequacy of the proposed modified Complex by March 17. Such other parties shall file their written testimony on structural adequacy by March 26.

(2) The evidentiary presentation at the hearing session of March 31-April 5 shall include all subjects other than the structural adequacy of the proposed modified Complex.

(3) The evidentiary presentation at the hearing session beginning April 16 shall first complete any subjects remaining from the March 31-April 5 session and shall then take up the structural adequacy of the proposed modified Complex.

Respectfully submitted,



MAURICE AXELRAD, ESQ.
ALBERT V. CARR, JR., ESQ.
Lowenstein, Newman, Reis,
Axelrad & Toll
1025 Connecticut Avenue, NW
Washington, D. C. 20036

RONALD W. JOHNSON, ESQ.
Corporate Attorney
Portland General Electric Company
121 S. W. Salmon Street
Portland, OR 97204

Dated: February 28, 1980

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
 et al.) (Control Building Proceeding)
)
(Trojan Nuclear Plant))
)
)
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that a copy of Licensee's Motion Concerning Schedule For Filing Testimony and Specification of Matters to be Considered at Each Hearing Session in the above-captioned proceeding to the Atomic Safety and Licensing Board dated February 28, 1980, was served on the following by deposit in the United States mail, postage prepaid, this 28th day of February, 1980.

Marshall E. Miller, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Kenneth A. McCollom, Dean
Division of Engineering,
Architecture & Technology
Oklahoma State University
Stillwater, OK 97074

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555
(Original & 20 copies)

Dr. Hugh C. Paxton
1229 - 41st Street
Los Alamos, NM 87544

Columbia County Courthouse
Law Library, Circuit Court Room
St. Helens, OR 97051

Joseph R. Gray, Esq.
Counsel for NRC Staff
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Ms. Nina Bell
728 S. E. 26th Street
Portland, OR 97214

Mr. Eugene Rosolie
Coalition for Safe Power
215 S. E. 9th Avenue
Portland, OR 97214

Mr. David B. McCoy
348 Hussey Lane
Grants Pass, OR 97526

Mr. John A. Kullberg
Route One
Box 250Q
Sauvie Island, OR 97231

Ms. C. Gail Parson
P.O. Box 2992
Kodiak, AK 99615

Atomic Safety and Licensing
Appeal Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Ronald W. Johnson, Esq.
Corporate Attorney
Portland General Electric Company
121 S. W. Salmon Street
Portland, OR 97204

Frank W. Ostrander, Jr., Esq.
Assistant Attorney General
State of Oregon
Department of Justice
500 Pacific Building
520 S. W. Yamhill
Portland, OR 97204

William W. Kinsey, Esq.
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208



Lowenstein, Newman, Reis,
Axelrad & Toll
1025 Connecticut Avenue, NW
Washington, D. C. 20036
(202-862-8400)

Dated: February 28, 1980