

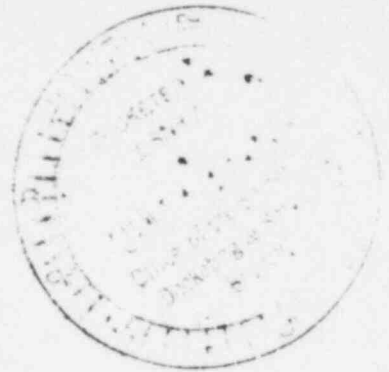
UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
 PORTLAND GENERAL ELECTRIC COMPANY,  
ET AL.  
 (Trojan Nuclear Plant)

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Docket No. 50-344  
 (Control Building)



STAFF'S MOTION FOR ORDER COMPELLING EUGENE ROSOLIE/  
 COALITION FOR SAFE POWER TO RESPOND FULLY TO STAFF  
 INTERROGATORY C16-4

I. Introduction and Background

On May 15, 1979, the NRC Staff (Staff) filed a series of interrogatories directed to Eugene Rosolie and the Coalition for Safe Power (Intervenor). These interrogatories, totalling three in number, were related to Intervenor's contentions for Phase II of the captioned proceeding.

On June 14, 1979, 10 days after Intervenor's responses were to be submitted, the Staff filed a motion requesting the Licensing Board to compel Intervenor to respond to the Staff's interrogatories since no responses had been received at that time. On June 15, 1979, the Board issued the requested order, directing Intervenor to file full, direct and responsive answers to the Staff's interrogatories.

Intervenor's responses were filed on June 23, 1979. For the reasons set forth below, the Staff again finds it necessary to seek a Licensing Board order compelling a full, complete and responsive answer to interrogatory C16-4 which was a part of the set of interrogatories filed by the Staff on May 15, 1979.

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II. Basis for Request for Order Compelling Responsive Answer to Staff Interrogatory C16-4

The Staff's interrogatory C16-4<sup>1/</sup> to Intervenor reads as follows:

C16-4 In response to the Staff's interrogatory C16-3 you stated that, in your view, there are no plans, apart from shut down, that, as a practical matter, could protect safety-related equipment during the modifications. You indicate that the reasons for your position in this regard are "the numerous errors that have occurred in the past at the Trojan plant and other nuclear power plants." In this regard,

- (a) Specifically identify the "numerous errors" at Trojan and other plants to which you refer in response to Staff interrogatory C16-3.
- (b) Indicate the relationship between the errors identified in (a) and measures taken to protect safety-related equipment from the effects of construction work.
- (c) State specifically the reasons why, in your view, each of the errors identified in (a) will prevent the formulation and effective implementation of measures to protect safety-related equipment during the modifications at Trojan.

Intervenor's response was

C16-4. See response to Licensee's Interrogatory 13.

Intervenor's response to Licensee's interrogatory 13<sup>2/</sup> is as follows:

Interrogatory 13

(a) Yes.

(c) (i)	Date of Report	LER Number
	2-18-76	76-08
	2-06-76	76-07

<sup>1/</sup> Interrogatory C16-4 relates to Intervenor's admitted contention 16 in which it is asserted that

[1] licensee has not made adequate plans to protect all safety equipment and equipment for safe operation during the modification work.

<sup>2/</sup> Licensee's interrogatory 13 related to Intervenor's admitted contention 3 on the alleged inadequacy of plant staff review for assuring that the  
(FOOTNOTE CONTINUED ON NEXT PAGE)

3-01-76	76-11
3-12-76	76-04A
3-12-76	76-16
3-12-76	76-17
4-09-76	76-24
4-09-76	76-26
4-12-76	76-28
6-18-76	76-48
8-26-76	76-48
9-03-76	76-54
11-10-76	76-61
11-18-76	76-65
3-08-77	77-05
2-22-77	77-03
3-31-77	77-04
3-31-77	77-05
4-29-77	77-08
5-12-77	77-09
5-24-77	77-10
5-25-77	77-11
6-02-77	77-14
6-03-77	77-15
6-27-77	77-17
6-29-77	77-20
7-06-77	77-20
7-22-77	77-24
8-26-77	77-29
10-19-77	77-30
9-16-77	77-34
11-15-77	77-41

- (i) Broehl, trancript pages 1949-1955 and Consolidated Intervenors Exhibit 2.

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(FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

2/ proposed modifications will not result in violations of the facility's Technical Specifications. That interrogatory states:

Interrogatory 13

This Interrogatory relates to your Contention 3 and to your responses to Licensee's Interrogatory 1:

- (a) Licensee's letter to you dated April 20, 1979 provided the additional information which you requested at the prehearing conference (TR 3181-3182) with respect to review by the Plant Staff. In light of that information, please state whether you still allege that Plant Staff review of the modifications is inadequate "in that the Plant Staff will not be able to determine whether or not a Technical Specification will be violated".
- (b) If your answer to (a) is yes, please answer (c) and (d) below. If your answer to (a) is no, please answer (e) below.

(FOOTNOTE CONTINUED ON NEXT PAGE)

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- (iii) LER's show that plant staff is unable to avoid or foresee problems arising at the Trojan Plant. Broehl testimony shows that plant staff has a different view of what the Technical Specifications are and when they have been violated. Consolidated Intervenor's Exhibit 2 show (sic) that plant staff has been lack (sic) in identifying and fixing problems at the Trojan Plant. Add to this the recent revelation that plant operators have been goofing off on the job for a two year period in our mind, and we are sure the ASLB will find the same, that the plant staff lacks the ability to determine whether or not a Technical Specification will be violated. Attachment 1 is provided concerning the operator goof-off problem.

(d) No.

(FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

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- (c) In your response to Licensee's Interrogatory 1(c) you stated that the bases for your allegations were "LER's and testimony given at Phase I hearings of this proceeding".
- (i) Please identify, by number and date, each LER on which you rely as the basis for your allegations;
- (ii) Please identify, by witness and transcript page, each part of the testimony given during Phase I of the hearings on which you rely as the basis for your allegations;
- (iii) For each item identified in (i) and (ii) above, state why you believe it provides a basis for your allegations.
- (d) Do you allege that there are particular circumstances regarding the modification program which will make it difficult to determine whether Technical Specifications might be violated? If your answer is yes, please indicate the nature of those circumstances and how they will affect the Plant Staff review. Please provide the bases for your response.
- (d) Please explain whether Contention 3 is withdrawn. If not:
- (i) Explain why you think Plant Staff review will be inadequate;
- (ii) Specify the type and scope of review that you believe would be adequate;
- (iii) If the bases for your response are those quoted in (c) above, please answer (c)(i), (ii) and (iii).

In response to a previous Staff interrogatory (C16-3) on Intervenor's contention 16, Intervenor stated, in essence, that no plans or provisions could be formulated that could protect safety-related equipment during modification work. The alleged bases for this statement were numerous undefined errors that occurred at Trojan and other nuclear plants. Intervenor did not indicate what "errors" were being referred to and, in any event, presented no basis for believing that past "errors" at Trojan and elsewhere have any bearing on the Control Building modifications or preclude the formulation of plans to protect Trojan equipment during the modifications. Accordingly, interrogatory C16-4 sought a specific identification of the alleged "errors" at Trojan and other nuclear plants as well as specific indication of the relationship between those "errors" and measures to protect safety-related equipment and the specific reasons why each "error" would prevent the formulation of such measures.

Intervenor did not prepare a specific response to Staff interrogatory C16-4 but instead referred to a previous response to Licensee's interrogatory 13. That interrogatory dealt with Intervenor's contention 3 on the violation of Technical Specifications rather than with contention 16 on provisions for protecting safety-related equipment. The entire response to Licensee Interrogatory 13 is directed toward the Trojan plant staff's perception of technical specifications and its alleged inability to deal with problems or to operate the plant. There is no discussion of any sort with regard to plans or provisions for protecting safety-related equipment during the modifications and, as shown below, the specific questions posed by parts (a), (b) and (c) of Staff interrogatory C16-4 are not answered in Intervenor's response to Licensee's interrogatory 13. Thus, that response does not even appear to be applicable to Staff interrogatory C16-4.

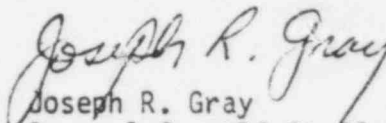
Assuming that the referenced response is applicable to Staff interrogatory C16-4(a), Intervenor has listed a series of Trojan Licensee Event Reports (LERs) which apparently constitute the "errors" that preclude the formulation of provisions to protect safety-related equipment. There is no listing of the "errors" at other nuclear plants which Intervenor claimed (in response to Staff Interrogatory C16-3) formed the basis for Contention 16. Thus, Intervenor's "answer" to Staff interrogatory C16-4(a) is not complete or fully responsive. Accordingly, the Staff requests that Intervenor be directed to provide a specific, full, complete and responsive answer to Staff interrogatory C16-4(a).

Staff interrogatory C16-4(b) requests that Intervenor state the relationship between each "error" identified in response to C16-4(a) and measures taken to protect safety-related equipment during the modification work. Staff interrogatory C16-4(c) requests that Intervenor state specifically the reasons why each "error" identified in interrogatory C16-4(a) will prevent the formulation and implementation of measures to protect safety-related equipment. No response of any kind is presented by Intervenor, even assuming that the referenced response to Licensee's interrogatory 13 is somehow applicable. Absent a response, there is no basis whatsoever for Intervenor's contention 16. Accordingly, the Staff requests that Intervenor be directed to provide, with regard to each error identified in response to C16-4(a), specific, full, complete and responsive answers to parts (b) and (c) of Staff interrogatory C16-4.

III. Relief Requested

Based on the foregoing, the Staff respectfully requests that the Licensing Board issue an Order directing Intervenor to provide separate, detailed, full, direct and responsive answers to each part of Staff interrogatory C16-4 by July 23, 1979.<sup>3/</sup>

Respectfully submitted,

  
Joseph R. Gray  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 10th day of July, 1979

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Since approximately 8 weeks have elapsed since this interrogatory was filed, July 23, 1979 provides ample time, in the Staff's view, for Intervenor to prepare and file a full and responsive answer to the interrogatory.

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NUCLEAR REGULATORY COMMISSION

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PORTLAND GENERAL ELECTRIC COMPANY, ET AL. ) Docket Nos. 50-344  
 ) (Control Building)  
(Trojan Nuclear Plant) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "STAFF'S MOTION FOR ORDER COMPELLING EUGENE ROSOLIE/  
COALITION FOR SAFE POWER TO RESPOND FULLY TO STAFF INTERROGATORY C16-4" in the above-  
captioned proceeding have been served on the following by deposit in the United States  
mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear  
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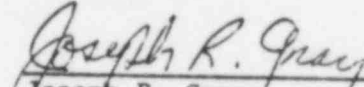
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