

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
) Docket No. 50-344
PORTLAND GENERAL ELECTRIC COMPANY, ET AL.) (Control Building)
)
(Trojan Nuclear Plant))

STIPULATION - EUGENE ROSOLIE/COALITION FOR SAFE POWER
CONTENTION 18

The NRC Staff (Staff), Portland General Electric Company (Licensee) and Eugene Rosolie and the Coalition for Safe Power (Intervenor), by their respective attorneys or authorized representatives, hereby stipulate and agree as follows:

1. Intervenor's contention 18, as filed on February 26, 1979, states Licensee will not take adequate security measures to prevent an undue risk to the public health and safety.
2. Pursuant to the direction of the presiding Atomic Safety and Licensing Board, the Staff has undertaken an evaluation of security at the Trojan facility as affected by proposed modifications to the Trojan Control Building Complex to be made to correct design deficiencies in the shear walls of the Control Building which are the subject of the NRC's Order for Modification of License of May 26, 1978. The Staff's security evaluation included a consideration of the matters raised in Intervenor's contention 18 as set forth above.
3. Pursuant to the direction of the presiding Atomic Safety and Licensing Board, the results of the Staff's security evaluation are set forth in the Affidavit of William J. Ross, dated August 10, 1979 (Ross Affidavit). As set forth therein, the Staff has determined that adequate industrial security, in accordance with the requirements of 10 CFR Part 73, will be

1024 056

79092501571

maintained at the facility both during and after the proposed modifications to the Trojan Control Building Complex.

4. Based on the determinations made by the Staff as set forth in the Ross Affidavit, the undersigned hereby agree that the matters raised in Intervenor's Contention 18 have been adequately evaluated and are properly provided for by the Trojan Physical Security Plan and its implementing measures and that Intervenor's Contention 18 should be dismissed as an issue in the captioned proceeding, subject to the reservations set forth in paragraph 5 below:

5. Nothing in this Stipulation itself:

- (a) shall be deemed to prevent Intervenor from filing new or amended contentions upon a showing of good cause as required by §2.714 of the Commission's regulations;
- (b) shall be deemed an admission by the Staff or the Licensee of the merits of Intervenor's Contention 18 or the validity of any allegation of fact or law stated in that contention.

(date)

Eugene Rosolie on his own behalf
and as representative of the
Coalition for Safe Power

(date)

Counsel for Licensee

(date)

Counsel for NRC Staff

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)
(Trojan Nuclear Plant))

AFFIDAVIT OF WILLIAM J. ROSS

STATE OF MARYLAND) SS
COUNTY OF MONRGOMERY)

I, William J. Ross, being duly sworn, depose and state:

1. I am a Project Manager in the Division of Operating Reactors with responsibility for the safety, environmental, and physical security of designated operating nuclear power reactors. Prior to July 1, 1979, I was a Reactor Safeguards Analyst, Reactor Safeguards Licensing Branch, Division of Operating Reactors, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. I have prepared the statement of professional qualifications attached hereto, and, if called upon, would testify as set forth therein.
3. I have prepared this affidavit and I hereby certify that it is true and correct to the best of my knowledge.
4. As part of my duties as a Reactor Safeguards Analyst, I was the security review team leader for the Trojan Physical Security Plan. This team

reviewed and evaluated the Physical Security Plan for the Trojan Plant and visited the plant site four times during 1977, 1978 and 1979 to discuss components of the plan with the licensee. Based on that review, including first-hand on-site observation of the plant layout and the licensee's security provisions, the NRC Staff determined that the Trojan Physical Security Plan meets all of the pertinent requirements of 10 CFR Part 73 and approved the Physical Security Plan on February 23, 1979. Implementation of, and compliance with, the provisions of this Physical Security Plan is a condition of the Trojan Operating License and of the regulations.

5. For purposes of developing its security plan, the licensee has identified protected^{1/} and vital^{2/} areas that could be targets of industrial

1/ "Protected area" is defined in 10 CFR 73.2(g) as:
an area encompassed by physical barriers and to which access is controlled.

"Physical Barriers is defined in 10 CFR 73.2(f) as:

(1) Fences constructed of No. 11 American wire gauge, or heavier wire or similar material on brackets angled outward between 30° and 45° from the vertical, with an overall height of not less than eight feet, including the barbed topping.

(2) Building walls constructed of stone, brick, cinder block, concrete, steel or comparable materials (openings in which are secured by grates, doors, or covers of construction and fastening of sufficient strength such that the integrity of the wall is not lessened by any opening), or walls of similar construction, not part of a building, provided with a barbed topping described in paragraph (f)(1) of this section of a height of not less than 8 feet.

(3) Ceilings and floors constructed to offer resistance to penetration equivalent to that of building walls described in paragraph (f)(2) of this section.

2/ "Vital area" is defined in 10 CFR 73.2(h) as:

(CONTINUED)

sabotage. The Trojan security plan provides high assurance against successful industrial sabotage within the plant by the following adversaries:

- (a) A determined violent external assault, attack by stealth, deceptive actions, of several persons with the following attributes, assistance and equipment: (i) well-trained (including military training and skills) and dedicated individuals, (ii) inside assistance which may include a knowledgeable individual who attempts to participate in both a passive role (e.g., provide information) and an active role (e.g., facilitate entrance and exit, disable alarms and communications, participate in violent attack), (iii) suitable weapons, up to and including hand-held automatic weapons, equipped with silencers and having effective long range accuracy, (iv) hand-carried equipment, including incapacitating agents and explosives for use as tools of entry or for destroying the reactor integrity, and

(CONTINUED)

any area which contains vital equipment within a structure, the walls, roof, and floor of which constitute physical barriers of construction at least as substantial as walls as described in paragraph (f)(2) of this section.

"Vital equipment" is defined in 10 CFR 73.2(i) as:

any equipment, system, device, or material, the failure, destruction, or release of which could directly or indirectly endanger the public health and safety by exposure to radiation. Equipment or systems which would be required to function to protect public health and safety following such failure, destruction, or release are also considered to be vital.

1024 060

(b) An internal threat of an insider, including an employee (in any position).

6. I have reviewed and evaluated the Trojan Physical Security Plan to determine the adequacy of the Plan and the measures implementing it for providing acceptable levels of protection during and after the modifications to the Control Building complex proposed by the licensee. In this connection, I visited the site in January 1979 at which time I was advised by the licensee as to the modifications that would be performed. I observed areas of the plant that would be affected by the modifications and discussed with the licensee specific security measures which are to be implemented, pursuant to the Physical Security Plan, during the performance of modification work. My review and evaluation of Trojan physical security measures for the modification work specifically included a consideration of, among other things,

(a) Provisions for security supervision of workers brought onsite during the modification work. This includes workers engaged in modification work as well as those who may be engaged in other work being performed concurrently.

(b) Physical security measures necessary to accommodate additional workers.

- (c) Provisions for security screening of personnel.
- (d) Provisions for security training for workers brought onsite for modification work.
- (e) Completed modifications as they may affect security including effects on access to vital and protected areas and security aspects of the relocated railroad spur.

7. Based on my review and evaluation of the Trojan Security Plan and implementation measures and the security protection provided both during and after the Control Building complex modification work, I have determined that:

- (a) The Security Plan, through physical and administrative controls, provides acceptable levels of protection during major maintenance and refueling. The Security Plan adequately accommodates substantial numbers of additional personnel onsite, over and above the 25 workers per shift required for the modification work, by providing constant security supervision by licensee personnel properly trained in plant physical security for all workers in vital and protected areas who have not been authorized unescorted access.
- (b) Physical security measures, such as barriers and guard station check points, necessary to accommodate and control access to

protected and vital areas of additional workers for the modifications are either in place or will be put in place prior to the modification work, in accordance with the requirements of the approved Physical Security Plan.

- (c) Pursuant to Security Plan requirements, security screening of personnel, where required, will be performed in accordance with ANSI 18.17 (1973).
- (d) Pursuant to Security Plan requirements, personnel granted unescorted access to protected or vital areas after required security screening will be given appropriate security training.
- (e) There will be no degradation of vital area barriers either during or after completion of the modifications. Security measures with regard to the railroad spur, both in its existing location and as relocated pursuant to the modifications, provide acceptable levels of security protection with regard to activities related to the railroad spur.
- (f) Acceptable provisions for control of additional vehicles within the protected area, if such additional vehicles are required for the modification work, are provided in the Physical Security Plan.

(g) The Trojan Physical Security Plan will continue to meet all of the pertinent requirements of 10 CFR Part 73 both during the proposed modification work and after the proposed modifications have been completed.

8. Based on my review of the Trojan Physical Security Plan in light of the proposed modifications to the Control Building complex, I conclude that the physical security measures and provisions which the licensee is required to implement and follow will provide an adequate level of security protection for the facility both during and after the proposed modification. The level of protection provided is in accordance with 10 CFR Part 73 and gives reasonable assurance that the proposed modifications will not result in undue risk to the public health and safety insofar as physical security of the facility is concerned.

William J. Ross
William J. Ross

Subscribed and Sworn
to before me this 10th day
of August, 1979

Nadine C. Sides
Notary Public

My Commission Expires: July 1, 1982.

1024 064

PROFESSIONAL QUALIFICATIONS

WILLIAM J. ROSS

My name is William J. Ross. I am a Project Manager in the Division of Operating Reactors. For the three year period prior to July 1, 1979, I was a Reactor Safeguards Analyst in the Reactor Safety and Licensing Branch of the Division of Operating Reactors, Office of Nuclear Reactor Regulation. During this period, I received training in security and safeguards through programs provided by the NRC and its contractors and through association with civil and military professionals in this field within and outside the federal government. In the capacity as Reactor Safeguards Analyst, I was responsible for managing and performing reviews of site physical security plans developed to protect against industrial sabotage and against seizure and theft of special nuclear material. I was the team leader responsible for the review of the Trojan Physical Security Plan.

Prior to transferring to my position as Reactor Safeguards Analyst, for three years I held the position of Project Manager in both the Operating Reactors and Environmental Projects Divisions of NRC. While in these positions, I was responsible for coordinating and managing licensing activities related to a total of seven nuclear power plants and involved in the licensing of five additional plants.

1024 065

Before I joined the Commission in 1973, I worked as a nuclear chemist at the Oak Ridge National Laboratory where I was involved in the development of technology related to the design, construction, and operation of nuclear reactors.

My educational qualifications consist of a B.S. in Chemistry from the Virginia Military Institute in 1943, an M.A. in Chemistry-Geology from the University of Texas in 1949, additional graduate training in chemistry at the University of Tennessee in 1950-52, and training courses in management, in industrial security and safeguards, and in the theory and operation of nuclear power reactors in 1975-1978.