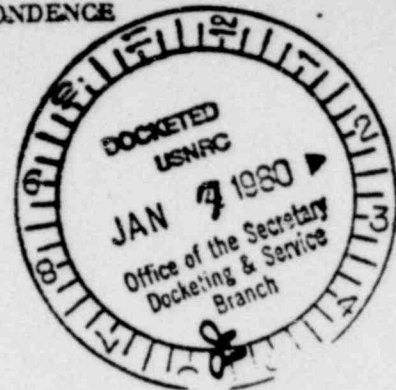




RELATED CORRESPONDENCE

DEPARTMENT OF JUSTICE

PORTLAND DIVISION  
500 Pacific Building  
520 S.W. Yamhill  
Portland, Oregon 97204  
Telephone: (503) 229-5725



January 2, 1980

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

Dr. Kenneth A. McCollom, Dean  
Division of Engineering,  
Architecture and Technology  
Oklahoma State University  
Stillwater, Oklahoma 74074

Dr. Hugh C. Paxton  
1229 41st Street  
Los Alamos, New Mexico 87544

In the Matter of  
Portland General Electric Company, et al.  
(Trojan Nuclear Plant)  
Docket No. 50-344  
(Control Building)

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Gentlemen:

By this letter, I am completing service of Oregon Exhibit M-7, received into the record at the December 28, 1979 hearing on motions. (See, Tr. 3254.) The exhibit, a statement prepared by Lee Johnson, Executive Assistant to Governor Victor Atiyeh, makes reference to two documents. The first is an executive order issued by President Carter in response to a request by Governor Atiyeh, temporarily suspending provisions of the Federal Clean Air Act and of Oregon's Implementation Plan, due to the existence of a regional energy emergency, thereby permitting operation of Portland General Electric Company's Harborton combustion turbine facility. The second document is Order No. 78-23 of the Oregon Public Utility Commissioner, dated November 6, 1978, setting forth the "Oregon Electric Curtailment plan." The two documents referred to in Mr. Johnson's statement were not distributed at the December 28, 1979 hearing. Given the Board's viewpoint

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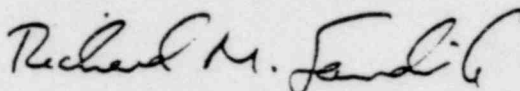
ASLAB

January 2, 1980

Page 2

as to the limited materiality of information on need for power, distribution of the documents did not seem important. However, I am enclosing them along with Mr. Johnson's statement, so that Oregon Exhibit M-7 is complete.

Very truly yours,



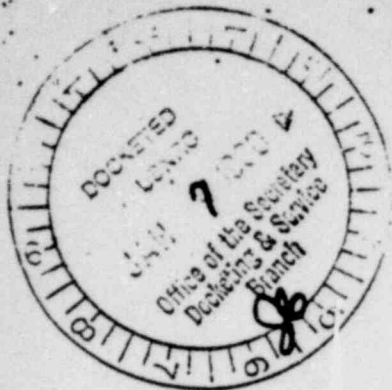
Richard M. Sandvik  
Assistant Attorney General

dc

enclosures

cc w/enc: Trojan Control Service List

1810 125



ORDER NO. 78-823

BEFORE THE PUBLIC UTILITY COMMISSIONER

OF OREGON

UF-3336

In the Matter of the Emergency     )  
Curtailement of electric service.    )     ORDER ON  
RECONSIDERATION

On July 18, 1977, Order No. 77-478 was entered in the above-entitled matter. On September 16, 1977, Pacific Power & Light Company filed a Petition for Reconsideration of Order No. 77-478, and on November 4, 1977, the Petition was granted by Order No. 77-760.

The matter has been reconsidered, and it is concluded that Appendix A to Order No. 77-478 should be vacated and in its place Appendix A to this Order should be substituted, and

IT IS SO ORDERED.

Made, entered, and effective November 6, 1978.



*Charles Davis*  
CHARLES DAVIS  
Public Utility Commissioner

OREGON ELECTRIC CURTAILMENT PLAN

I - AUTORIZATION

This plan has been adopted pursuant to ORS 757.710 and .720. All action taken by the utility will be in accordance with applicable state, regional or federal directives.

II - DEFINITIONS

- A. "Major Use Customer." A customer who used more than 75,000 KWH in a billing month in the base period, or who is estimated to use more than 75,000 KWH (without curtailment) in any billing month in the twelve-month period after the base period.
- B. "Base Period." The corresponding billing period in the twelve-month period ending immediately before implementation of voluntary curtailment.
- C. "Base Period Usage." The energy consumed by the customer during the base period. Base period usage will be adjusted for temperature.
- D. "Current Usage." The energy consumed by the customer during the most recent billing cycle. Current usage will be adjusted for temperature.

- E. "Excess Usage." The amount by which current usage exceeds base period usage less any curtailment percentage declared necessary by the authority.
- F. "Customer." Any individual, partnership, corporation, firm or organization supplied with electric service at one location and one point of delivery. Service furnished to a customer at one location through more than one meter regardless of rate classifications or schedules shall be deemed service to one customer.
- G. "Authority." The civil authority empowered to implement mandatory curtailment.
- H. "Deficient Utility." A utility which under identified probabilities is expected to have an energy demand greater than its resources.
- I. "Major Resource." A generating unit with a rated capacity of 100 megawatts or greater.
- J. "Region." The states of Oregon, Washington, Idaho and that portion of the state of Montana electrically interconnected to the rest of the region.

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III - STAGE 1 OF VOLUNTARY CURTAILMENT

When the appropriate authority implements Stage 1 of voluntary curtailment, the following actions will take place:

- A. The utility shall curtail its own use.
- B. The utility shall seek voluntary curtailment of use in all large buildings.
- C. The utility should request its major use customers to curtail uses.
- D. The utility, through media pronouncements, will request all customers to curtail uses.
- E. The utility, if it is a deficient utility, should replace, by purchase or other means, an amount of energy not to exceed its deficiency included in its planned resources but not generated due to outages of any of its major resources.

IV - STAGE 2 OF VOLUNTARY CURTAILMENT

When the appropriate authority implements Stage 2 of voluntary curtailment, the following actions will take place:

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- A. The utility will make urgent requests for voluntary curtailment of all uses by all customers.
  - B. The utility, through media pronouncements, will suggest specific measures which should be taken by all customers, affecting electric energy consumption, including but not limited to:
    - 1. 65° F. maximum thermostat setting for day-time space heating;
    - 2. 55° F. maximum thermostat setting for night-time space heating;
    - 3. 85° F. minimum thermostat setting for space cooling;
    - 4. 120° F. maximum thermostat setting for water heating;
    - 5. Line-drying for clothing;
    - 6. Elimination of:
      - (a) swimming pool heating;
      - (b) outdoor decorative lighting;
      - (c) window display, outdoor display, area and sign lighting, except during nighttime hours when the place of business is open.
- At all times, such lighting should be

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- reduced to the lowest reasonable level;
- (d) parking lot lighting except during the nighttime hours when the place of business is open, and then only to the levels required for safety and security;
  - (e) street and public highway lighting not required for safety and security.
- C. All energy included in a deficient utility's planned resources, but not generated due to outages of any of the region's major resources shall be replaced by purchase or other means to the extent necessary to meet the utility's deficiency.
- D. Deficient utilities should purchase electric energy available from base load or intermediate load facilities within the Western Systems Coordinating Council area which can be used or stored.

Stage 2 of voluntary curtailment is not intended to disrupt employment or curtail industrial production or commercial operations.

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V - STAGE 1 OF MANDATORY CURTAILMENT

When the appropriate authority implements Stage 1 of mandatory curtailment, the utility will advise its customers that the following actions must be taken:

A. Elimination of:

- (1) electric swimming pool heating;
- (2) outdoor and indoor decorative lighting;
- (3) window display, outdoor display area and sign lighting, except during nighttime hours when the place of business is open. At all times, such lighting should be reduced to the lowest practical level;
- (4) parking lot lighting, except during the nighttime hours when the place of business is open, and then only to the levels required for safety and security;
- (5) street and public highway lighting not required for safety and security.

- B. All possible energy supplies will be obtained by the utility if it is deficient, regardless of cost; provided, however, that for investor-owned utilities significant increments of added energy

supplies will be procured in consultation with the Public Utility Commissioner. Appropriate rate adjustments, or surcharges, may be implemented - subject to regulatory approval to maintain the financial position of each utility, and to reflect in retail rates the cost of power purchased under this section.

Each utility will insure that instances of non-compliance of Stage 1 of mandatory curtailment brought to its attention are dealt with in accordance with this rule. Non-compliance will result in discontinuation of electric service until the customer agrees in writing to maintain its premises or place of business in compliance with this rule. Prior to discontinuation of service, the utility will notify the customer in writing of his right to appeal.

VI - STAGE 2 OF MANDATORY CURTAILMENT

When the appropriate authority implements Stage 2 of mandatory curtailment, the utility will take the following actions:

- A. All customers will be directed to curtail electric

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energy consumption by the percentage declared necessary by the authority to bring anticipated resources and loads into balance.

- B. The utility will request operation of all available state, federal and private generating units with capacity in excess of owner's current need, regardless of cost, for delivery of such excess power to the utility for use by deficient utilities.

Each utility will monitor compliance by its customers. Non-compliance will result in excess power cost surcharges, disconnection of utility service or other appropriate sanction, subject to review by each state's authority.

Subject to adjustments set forth in Section IX and X, below, monitoring of mandatory curtailment shall be a comparison of current energy usage with applicable base period usage. All major use customers will be monitored individually. Each utility will monitor non-major use customers by an appropriate sampling of such customers.

If the utility determines a customer has not

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complied with Stage 2 of mandatory curtailment and that an excess power surcharge or service discontinuance is appropriate, the utility shall notify the customer in writing of the proposed disconnection or surcharge and the facts surrounding it, inform him of his right to appeal to the Public Utility Commissioner, secure a written statement of whether or not an appeal is desired and, if an appeal is desired, forward such to the Public Utility Commissioner. When appropriate, the Public Utility Commissioner will stay surcharges or disconnection pending appeal.

An excess power surcharge will be imposed for non-compliance as follows:

<u>Excess usage expressed as a percentage of base period usage less required curtailment</u>	<u>Excess power surcharge per Excess kwh</u>
0-10%	\$0.04
11-25%	0.045
26-50%	0.05
51-100%	0.055
Over 100%	0.060

The utility will assess excess power surcharges separately from their normal billing. Such revenues will be applied to the utility's purchased power costs. Failure to pay applicable excess power surcharges will result in discontinuance of service until

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such surcharges are paid. All noncomplying customers will be individually monitored in following months. On the second noncompliance, service may be discontinued for two days in addition to the surcharge. Subsequent offenses may result in discontinuance of service for five days in addition to the surcharge.

VII - STAGE 3 OF MANDATORY CURTAILMENT

When the appropriate authority implements Stage 3 of mandatory curtailment, the utility will be directed to take one or more of the following actions:

- A. Restriction of hours of energy supply to retail shopping and commercial customers;
- B. Restriction of lighting for illuminated sporting events;
- C. Restriction of operation, and energy consumed, by industrial and governmental operations;
- D. Specified large industrial customers will be ordered to curtail usage by a fixed percentage necessary to balance loads and resources;
- E. Specified large industrial customer will be ordered to cease operation;
- F. Other appropriate emergency action. In

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recommending actions under this section, emphasis should be placed on minimizing unemployment and other economic and social dislocations. Measures such as - voltage reductions and rotating blackouts will be used only if all other attempts to curtail system load have failed. If, as a last resort, measures such as voltage reductions or rotating blackouts are imposed, the following provisions apply to the extent feasible:

- (1) service interruptions or voltage reductions will be imposed equally to the extent necessary to achieve the required reduction of energy consumption;
- (2) public notice will be given before such measures are imposed; and
- (3) critical loads will not be affected.

#### VIII- APPEALS PROCEDURE

Appeals will be handled in accordance with existing rules of the PUC, and Oregon statutes. Discontinuance of service under the provisions of this plan will be administered in accordance with OAR 860-21-065.

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IX - EXEMPTIONS

- A. Requests for exemptions will be made to the utility. Appeals from the utility's decision may be made to the Public Utility Commissioner. Exemptions will be based on the following criteria:
1. Curtailment would result in unreasonable exposure to health or safety hazards;
  2. Curtailment would result in extreme economic hardship relative to the amount of energy saved, such as,
    - (a) production, processing, warehousing or transportation facilities when producing or handling food crops or products which are perishable; and
  3. Curtailment would be counterproductive for efficient energy use or energy production, such as,
    - (a) manufacture of products directly related to the region's energy supply.
- B. Critical Load Exemptions - Certain customers, set out below, because of the critical nature of their operations, will be exempt from Stages 1 and 2 of mandatory curtailment once the customer

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demonstrates to the utility that all non-essential electrical energy use has been curtailed.

- (1) Hospitals, nursing homes and other health facilities;
2. Police and fire stations;
3. Essential communication facilities;
4. Sewage-treatment and pollution control facilities;
5. Municipal and public utility water treatment and pumping installations;
6. Airports; and
7. Energy supply facilities:
  - (a) refineries
  - (b) oil and gas pipeline and supply facilities
  - (c) coal handling facilities

X - ADJUSTMENTS

Requests for adjustments will be made to the utility. Appeals from the utility's decision may be made to the Public Utility Commissioner.

- A. The base period usage of major use customers may

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be adjusted to take into account increases or decreases in normal load since the base period. Customers becoming major use customers in the period after the base period by reason of increased usage shall have base period usage determined by the utility on the basis of projected usage before curtailment.

- B. Base period usage of customers other than major use customers may be modified where additional energy requirements have occurred and where such additional energy use cannot be avoided during the curtailment period. A customer desiring such modification shall notify the utility with a description or reason therefor.
- C. Customer-owned generating facilities may be used for each customer's energy requirements during periods of mandatory curtailment, provided that, the energy provided by the utility to such customer is reduced by not less than the percentage curtailment prescribed in Section VII.
- D. A customer may schedule energy curtailment in any period and in any manner to minimize economic

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costs, hardships or inconvenience, provided that the required energy curtailment, if determined on other than a daily basis, shall be assured within each period -- such period to be not longer than one regular billing period. However, if the utility can shift energy saved in the current period into a future period within the projected shortage period, then the customer may schedule such future period's curtailment in the current period.

- E. Major Use Customers who would otherwise be subject to curtailment at more than one location in the state, may schedule curtailment among multiple locations in the state in any manner which assures the required curtailment level will be achieved. However, no such scheduling among locations may go into effect until the user provides to the authorities involved, in writing: an outline of the proposed curtailment schedule, a statement of the manner in which the total curtailment level will be calculated and assured, and a description of the effect of the schedule on employees and customers.

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XI - PROCEDURE FOR EXEMPTIONS AND ADJUSTMENTS

(To be submitted by each utility within 30 days  
of this order for approval and inclusion in the plan.)

XII - The provisions of this plan shall not apply to short  
term, or force majeure conditions.

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Governor Atiyeh of the State of Oregon petitioned me on December 22, 1979, for a determination under Section 110(f) of the Clean Air Act that a regional energy emergency exists in Oregon of such severity that a temporary suspension of the federally promulgated new source construction and permitting prohibition under Section 110 and Part D of the Clean Air Act and appropriate provisions of Oregon's State Implementation Plan is necessary to help alleviate potentially high levels of unemployment caused by possible curtailments of electricity supply to the region. After considering the information and views provided to me by Governor Atiyeh, the Secretary of the Department of Energy, and the Administrator of EPA, I am hereby making the requested determination, subject to the conditions listed below:

- (1) This determination applies only to the Harborton facility discussed in the Governor's petition.
- (2) This determination expires on February 7, 1980. I will rescind this determination before that date if the potential energy shortage is substantially eased in the interim.
- (3) Oregon's Department of Environmental Quality will monitor the air quality impact of operating the Harborton facility and will require the termination of its operation if air quality levels approach the primary ambient air quality standards. In no case would this declaration permit excesses of the health related primary ambient air quality standards.
- (4) The Governor calls for a statewide electricity conservation effort. The State will submit to EPA and DOE biweekly reports on electricity consumption levels in the State, including the effects of its electricity conservation program. This determination is made in full recognition of Oregon's excellent record in the area of energy conservation.
- (5) The operation of the Harborton facility will not result in a reduction in the electric energy output of other fossil fuel fired generating facilities in the State of Oregon.
- (6) PGE will make maximum practicable effort to purchase available electric power from other regional utilities. State regulatory authorities will seek to remove regulatory impediments to power purchase by PGE and allow timely recovery of prudently incurred purchased power costs.

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