UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 19, 1979

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

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

Gentlemen:

By Order dated November 30, 1979, the Licensing Board directed the Staff and the other parties to the referenced proceeding to provide certain information and positions in accordance with paragraphs (4) and (5) on page 4 of that Order. In a letter dated December 7, 1979, the Staff stated that it would provide its responses to the Board's directives during the week of December 17, 1979. This constitutes those responses.

In paragraph (4) on page 4 of its November 30, 1979 Order, the Licensing Board directed that:

> 4. The Staff shall furnish a date reasonably anticipated for the completion and filing of its SER, and a full justification and explanation for any further slippage in that regard.

By letter dated December 7, 1979 in response to the Licensing Board's directive in its Order of November 30, 1979 (Order, p. 4, paragraph 2), the Staff set forth in detail the remaining unresolved problems with regard to the proposed modifications to the Trojan Control Building. Those unresolved problems are addressed in a series of Staff questions submitted to the Licensee on September 14, 20 and 28 and October 2, 1979. It is the Staff's view that full resolution of those problems is necessary before a complete and adequate SER on the proposed modifications can be issued. The questions submitted by the Staff to the Licensee were detailed in nature and were designed to elicit information and commitments from the Licensee such that full, responsive answers would resolve the remaining unresolved problems.

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By letter dated December 8, 1979 in response to the Licensing Board's directive in its Order of November 30, 1979 that the Licensee report the status of all information requested by the Staff but not yet supplied (Order, p. 4, paragraph 3), the Licensee stated that it plans to file its responses to the remaining Staff questions by December 22, 1979 (Licensee's letter of December 8, 1979, p. 2).

In view of the Licensee's commitment to supply responses to the remaining Staff questions, the reasonably anticipated date for the completion and filing of the Staff's SER on the proposed modification is February 14, 1980. As previously mentioned, the issuance of a complete SER with no unresolved problems remaining is dependent upon submission by the Licensee of full, complete and responsive answers on December 22. In the event that some or all of the answers submitted on December 22 are not complete and fully responsive and do not resolve all of the unresolved problems, the SER to be issued on February 14, 1980 will identify the unresolved problems and describe their effects on the Staff's conclusions with regard to the adequacy of the proposed modifications.*/

In paragraph (5) on page 4 of its November 30, 1979 Order, the Licensing Board directed that:

> 5. All parties shall state and document their views as to how long interim operation of the Trojan facility should be permitted, in the absence of the submission of firm plans for control room modifications, adequate from a safety standpoint to bring the facility into substantial compliance with the license.

Based on the substantial record compiled, and the uncontroverted evidence presented, at the Phase I hearings on interim operation, the Licensing Board found that the as-built Control, Auxiliary and Fuel Building Complex at the Trojan facility has adequate capacity, despite the Control Building design deficiencies which are the sole and exclusive subject of the instant proceeding, to safely withstand the licensed Safe Shutdown Earthquake (SSE) of 0.25g. (Portland General Electric Company, et al. (Trojan Nuclear Plant), LBP-78-40, 8 NRC 717, 735 at paragraph 41 (1978) (hereinafter referred to as Partial Initial Decision or PID), aff'd, ALAB-534, 9 NRC 287 (1979). See also Tr. 661-62, 668, 1035, 1474-76, 2105, 2135; PGE Exh. 12, p. 6; Staff Exh. 5, pp. 27-28; Staff Exh. 6, pp. 11-16; Oregon Exh. 1, pp. 9-12. In fact, the Board justifiably found that the as-built Complex can safely withstand earthquakes considerably in excess of the licensed SSE. (PID, 8 NRC 717, 735 at paragraph 41. See also Tr. 1474-76, 2096-97, 2105, 2110, 2291; PGE Exh. 10, p. 28.)

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*/ The Staff is aware of the Licensing Board's previous admonition that the situation encountered in Phase I, where hearings went forward with unresolved issues remaining, must be avoided in Phase II. However, in view of the strong desire of the Licensing Board and all parties to move forward toward completion of Phase II, the Staff feels compelled to issue the Safety Evaluation Report by a date certain even if unresolved problems remain at that time.

The uncontroverted evidence also shows that the analyses made on the adequacy of the as-built Complex to safely withstand earthquakes during interim operation were deterministic, and had no time dependence (Tr. 2228-29, 801, 864-66). With the present license condition requiring that the plant be shutdown at an OBE level of 0.08g, the Control Building is adequate, from a safety standpoint, without explicit regard to time since, if an earthquake of greater than 0.08g occurs, the plant must be shut down and cannot be restarted without prior NRC authorization, and an earthquake of less than 0.08g should not result in structural degradation that would affect the ability of the plant to withstand subsequent earthquakes up to and including the licensed SSE (Tr. 2255-57). The fundamental reason to modify the as-built Control Building is to restore the safety margins to the extent practical and, if possible, to restore the margins originally intended when the plant was licensed (Tr. 2268. See also Tr. 2137-38).

As set forth in the attached joint affidavit of Kenneth S. Herring and Charles M. Trammell, III, the analyses that demonstrated the adequacy of the as-built Control Building Complex for interim operation was not time dependent. Accordingly, it is the Staff's view at this time that there is no need for an explicit time limit on the length of interim operation.

Nevertheless, as is also set forth in the attached joint affidavit, interim operation is operation with margins reduced relative to those embodied in the original operating license and approved FSAR criteria. It is the Staff's view that these margins should be restored so as to bring the Control Building into substantial compliance with the FSAR criteria and that such restoration should be accomplished as quickly as is reasonable. To this end, the Staff will continue to make its best efforts to pursue resolution of the remaining unresolved problems with regard to the proposed modifications so that the adequacy of the proposed modifications may be fully adjudicated and determined. In addition, the Staff is of the view that evidence should be taken in the Phase II proceeding on the length of time, after authorization of modifications, that would be reasonable for completion of the modifications. Based on such evidence, a reasonable date for the completion of modifications could be set so as to assure that such completion would not be unduly delayed.

Sincerley,

Joseph R. Gray
Counsel for NRC Staff

Attachment: As stated

cc w/attachment: Service List