

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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

NRC STAFF'S MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE EXCEPTIONS TO THE INITIAL DECISION

On July 11, 1980, the Atomic Safety and Licensing Board in the captioned proceeding (Licensing Board or Board) issued an initial decision authorizing the performance of certain modifications to the Control Building at the Trojan Nuclear Plant. The Initial Decision was served on the NRC Staff (Staff) through the NRC's internal mail system and was received by the Staff on July 14, 1980. Accordingly, exceptions to the Initial Decision, if any, must be filed by the Staff on or before July 24, 1980. 10 CFR §§ 2.762, 2.785.

The Staff has found it necessary to file, and has today filed, with the Licensing Board a motion for clarification as to a license condition imposed by the Board in its Initial Decision.<sup>1/</sup> A decision by the Staff as to whether to take exceptions to the initial decision is dependent upon the

<sup>1/</sup> A copy of the "NRC Staff's Motion for Clarification of Initial Decision with Regard to License Condition on Control Building Modification", July 23, 1980, is attached.

Licensing Board's action on the Staff's motion for clarification. Because of this and because it is unlikely that the Licensing Board will take action and issue a written ruling on the Staff's motion for clarification before the July 24, 1980 deadline for Staff exceptions, the Staff respectfully requests that the time for the Staff to file exceptions to the Initial Decision be extended to ten days from the date of service of the Licensing Board's ruling on the Staff's motion for clarification.

Respectfully submitted,

*Joseph R. Gray*  
Joseph R. Gray  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 23rd day of July, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

PORTLAND GENERAL ELECTRIC COMPANY, ET AL.

(Trojan Nuclear Plant)

)  
)  
)  
)

Docket No. 50-344  
(Control Building)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR AN EXTENSION OF TIME IN WHICH TO FILE EXCEPTIONS TO THE INITIAL DECISION" 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 Regulatory Commission's internal mail system, this 23rd day of July, 1980:

Alan S. Rosenthal, Esq., Chairman\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. John H. Buck, Member\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. W. Reed Johnson, Member\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Marshall E. Miller, Esq., Chairman\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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

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

Mr. John A. Kullberg  
15523 S.E. River Forest Drive  
Portland, OR 97222

Frank W. Ostrander, Jr.  
Counsel for Dept. of Energy  
500 Pacific Building  
520 S. W. Yamhill  
Portland, OR 97204

Maurice Axelrad, Esq.  
Lowenstein, Newman, Reis,  
Axelrad & Toll  
Suite 1214  
1025 Connecticut Avenue, N.W.  
Washington, DC 20036

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

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

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

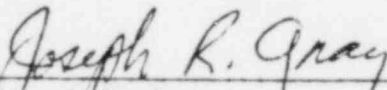
Ms. Nina Bell  
728 S.E. 26th  
Portland, OR 97214

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

Atomic Safety and Licensing Board  
Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Appeal  
Panel (5)\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Docketing and Service Section (7)\*  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

  
\_\_\_\_\_  
Joseph R. Gray  
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	)	Docket No. 50-344
COMPANY, <u>ET AL.</u>	)	(Control Building)
(Trojan Nuclear Plant)	)	

NRC STAFF'S MOTION FOR CLARIFICATION OF INITIAL DECISION  
• WITH REGARD TO LICENSE CONDITION ON CONTROL BUILDING MODIFICATIONS

I. INTRODUCTION

On July 11, 1980, the Licensing Board in the captioned proceeding issued an Initial Decision on modifications to the Control Building at the Trojan Nuclear Plant.<sup>1/</sup> In that Initial Decision, the Board found that modifications proposed by the Licensee will be adequate to bring the Control Building into substantial compliance with Technical Specification 5.7.1 as required by the NRC's Order for Modification of License of May 26, 1978, authorized performance of the modification work, and imposed a number of license conditions related to the modifications. For the reasons set forth below, the NRC Staff (Staff) herewith requests clarification as to the Board's intent with regard to one such license condition imposed by the Board.

<sup>1/</sup> Portland General Electric Company, et al. (Trojan Nuclear Plant),  
NRC (July 11, 1980) (Initial Decision).

II. REQUEST FOR CLARIFICATION OF LICENSE CONDITION 2.C.11

In its Initial Decision, the Licensing Board directed that:

[t]he following provision shall be added to Facility Operating License NPF-1: 2.C.11 Control Building Modifications. The Licensee is authorized to and shall proceed with modifications to the Control Building in order to restore substantially the originally intended design margins. The modification program shall be accomplished in accordance with PGE-1020, "Report on Design Modifications for the Trojan Control Building", as revised through Revision No. 4, and as supplemented by PGE Exh. 27 (Licensee's Testimony ("Broehl, et al.") on Matters Other Than Structural Adequacy of the Modified Complex, March 17, 1980). Any deviations or changes from the foregoing documents shall be accomplished in accordance with the provisions of 10 CFR part 50.59....<sup>2/</sup>

Both the Staff and the Licensee recommended, in their proposed findings, a similar license condition, reading in pertinent part:

"Control Building Modifications. The Licensee is authorized to and shall proceed with modifications to the Control Building in order to restore substantially the originally intended design margins. The modification program shall be accomplished in accordance with PGE-1020, "Report on Design Modifications for the Trojan Control Building", as revised through Revision No. 4, and as supplemented by Licensee's letters dated February 28, March 28, June 22, June 29, July 5, 6 and 10, August 13, September 5 and 26, November 21, December 17, 21 and 22, 1979, and January 28, February 13 and 21, and March 5, 6, 17, 20, 21, and 27, 1980; testimony filed by Licensee on March 17, 1980; Licensee's answers of April 2 and 14, 1980, to NRC Staff questions; and "Licensee's Responses to Interrogatories Dated August 27, 1979 From the State of Oregon" dated September 17, 1979 and supplemented February 29, 1980. Any deviations or changes from the foregoing documents shall be accomplished in accordance with the provisions of 10 CFR Part 50.59. (emphasis added)<sup>3/</sup>

<sup>2/</sup> Initial Decision, Slip Op., pp. 56-57.

<sup>3/</sup> NRC Staff's Proposed Findings of Fact and Conclusions of Law on Modification to the Trojan Control Building, May 19, 1980, pp. 172-173; Licensee's Proposed Findings of Fact and Conclusions of Law Concerning Design Modifications for the Trojan Control Building, May 7, 1980, pp. 157-158.

As may be noted from a comparison of the condition imposed by the Board to that recommended by the Staff and Licensee, those supplementary documents specified in the Staff and Licensee's recommended license condition quoted above (underlined portions) were not spelled out in the condition imposed by the Board. Since the Board decision in a number of areas relies on evidence based on many of the documents listed in the Staff and Licensee's proposed condition but not included in the condition imposed by the Board<sup>4/</sup>, it is not clear from the initial decision as a whole whether the Board:

- . - intends to limit the authorized modifications, and maintenance of the Control-Auxiliary-Fuel Building Complex, once modified,<sup>5/</sup>

<sup>4/</sup> For example: the roughening of adjacent structural surfaces prior to installation of new structural elements to enhance friction and, therefore, shear transfer (Initial Decision, Slip Op., p. 26) is not described in PGE-1020 or PGE Exh. 27 but is described in the Licensee's April 14, 1980 response to Staff questions (Licensee Exh. 33, Q. 5, p. 2 of 2); the evaluation of gross bending effects on shear capacity (Initial Decision, Slip Op., p. 24) is not given in PGE-1020 or PGE Exh. 27 but is set forth in the Licensee's February 13, 1980 responses to Staff questions (Licensee Exh. 25Q, Attachment 1); the evaluation of dead load reduction effects on sliding and single and double curvature capacities (Initial Decision, Slip Op., p. 26) is not given in PGE-1020 or PGE Exh. 27 but is set forth in the Licensee's responses of March 17, 1980 (Licensee Exh. 25W), April 2, 1980 (Licensee Exh. 32), and April 14, 1980 (Licensee Exh. 33) to Staff questions; the Licensee's commitment to broaden floor response spectra peaks on the low frequency side by 41% for purposes of assuring seismic qualification of equipment, components and piping (Initial Decision, Slip Op., p. 34) is not set forth in PGE-1020 or PGE Exh. 27 but is made in the Licensee's March 17, 1980 responses to Staff questions (Licensee Exh. 25U, Q.2, p. 3 of 4).

<sup>5/</sup> The Licensing Board has directed amendment of Section 5.7 of the Technical Specifications in accordance with Attachment 21-1 of Licensee Exh. 33 (Initial Decision, Slip Op., p. 66). As amended in accordance with the Board's Order, Technical Specification 5.7.2.1 would require that:

[t]he Control-Auxiliary-Fuel Building Complex (Complex) shall be designed and maintained to the design provisions contained in PGE-1020, "Report on Design Modifications for the Trojan Control Building," as supplemented by documentation listed in condition 2.C(11) of the Operating License with allowance for normal degradation pursuant to the applicable Surveillance Requirements. Licensee Exh. 33, Attachment 21-1 (emphasis added).

to analytical techniques, acceptance criteria, Licensee commitments and implementing procedures specified in PGE-1020 through Revision 4 (and PGE Exh. 27), excluding those contained in the documents listed in the Staff and Licensee's proposed condition but not in the condition imposed by the Board; or

- believes and intends that its reference to PGE-1020 encompasses all modifications, clarifications and corrections of record in this proceeding (with special emphasis on PGE Exh. 27) with regard to the description of the Control Building modifications, supporting analytical evaluations, acceptance criteria, Licensee commitments and implementing procedures; or
- intends solely to impose as license conditions the provisions of PGE-1020 through Revision 4 and PGE Exh. 27, leaving all other material as part of the FSAR descriptions of the Control Building modification details, supporting analytical evaluations, acceptance criteria, Licensee commitments and implementing procedures which may be changed without prior NRC approval pursuant to 10 CFR § 50.59 in applicable instances?

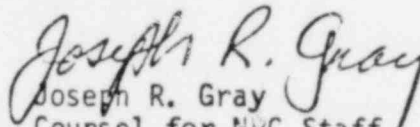
If, upon clarification, the Board indicates the last-stated intent, the Staff will have the Licensee appropriately amend the FSAR to include the other material and will modify Technical Specification 5.7.2.1 accordingly.



III. Relief Requested

Based on the foregoing, the NRC Staff requests that the Licensing Board clarify its intent in excluding the supplementary documents recommended by the Staff and the Licensee from License Condition 2.C.11.

Respectfully submitted,

  
Joseph R. Gray  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 23rd day of July, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR CLARIFICATION OF INITIAL DECISION WITH REGARD TO LICENSE CONDITION ON CONTROL BUILDING MODIFICATIONS" in the above-captioned proceeding have been served on the following by deposit in the Nuclear Regulatory Commission's internal mail system, this 23rd day of July, 1980:

Marshall E. Miller, Esq., Chairman\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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

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

Mr. John A. Kullberg  
15523 S.E. River Forest Drive  
Portland, OR 97222

Frank W. Ostrander, Jr.  
Counsel for Oregon Dept. of  
Energy  
500 Pacific Building  
520 S.W. Yamhill  
Portland, OR 97204

Maurice Axelrad, Esq.  
Lowenstein, Newman, Reis,  
Axelrad & Toll  
Suite 1214  
1025 Connecticut Avenue, N.W.  
Washington, DC 20036

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

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

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

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

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

Dr. W. Reed Johnson\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

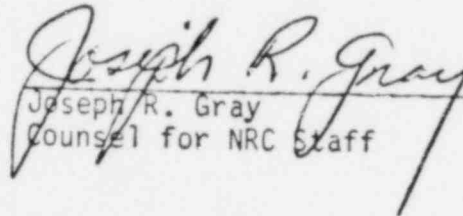
Alan S. Rosenthal, Esq.\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. John H. Buck\*  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Board  
Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Appeal  
Panel (5)\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Docketing and Service Section (7)\*  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

  
Joseph R. Gray  
Counsel for NRC Staff