

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 Proceeding)
)
(Trojan Nuclear Plant))

STATE OF OREGON'S MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF ITS MOTION FOR RECONSIDERATION

10 CFR 2.760(c) (1) provides:

. . .

"(c) an initial decision will be in writing and will be based on the whole record and supported by reliable, probative and substantial evidence. The initial decision will include:

"(1) Findings, conclusions and rulings with the reasons or basis for them, on all material issues of fact, law, or discretion presented on the record." (Emphasis supplied.)

. . .

As is readily apparent from the language of 10 CFR 2.760(c) quoted above, an initial decision must include findings, conclusions and rulings on material issues presented to the Board. As set forth in its Proposed Findings and its Memorandum of Points and Authorities in Support of its Proposed Findings, (copies of which are attached for the Board's convenience), the State of Oregon retains concerns as to the engineering analysis that remains to be completed by the Licensee particularly as to any changes in or deviations from the proposed modifications

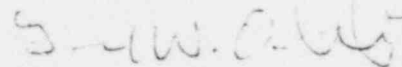
1 - MEMORANDUM OF POINTS AND AUTHORITIES

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to the Trojan complex as reviewed by the Board. The State of Oregon therefore proposed that the board exercise its discretion under 10 CFR 50.59(b) to require accelerated reporting of design changes. The Licensee opposed Oregon's Proposed Findings in its response dated May 29, 1980.

The issues raised by the state of Oregon and the Licensee's response are clearly issues of fact, law and discretion within the meaning of 10 CFR 2.760(c)(1). Upon review of the initial decision, however, Oregon can find no discussion of the issues raised in Oregon's Proposed Findings of Fact and Conclusions of Law or the Licensee's response. For this reason, the State of Oregon believes that the initial decision fails to follow the requirements of 10 CFR 2.760(c)(1) and should be reconsidered by the Board.

Respectfully submitted,



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July 23, 1980.

CERTIFICATE OF SERVICE

I, Frank W. Ostrander, Jr. hereby certify that on this 23rd day of July, 1980 I served the within "State of Oregon's Motion for Reconsideration of the Initial Decision" and "State of Oregon's Memorandum of Points and Authorities in Support of Its Motion for Reconsideration" upon the following parties of record by then depositing in the United States Post Office at Portland, Oregon, full, true, and correct copies thereof, addressed to the said parties of record at the following addresses listed below, and prepaying the postage thereon:

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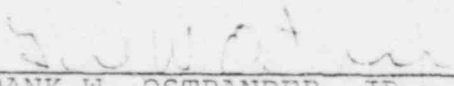
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