

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, et al.) (Control Building)
)
(Trojan Nuclear Plant))

MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF THE STATE OF OREGON'S PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW

As is readily apparent from our proposed Findings of Fact and Conclusions of Law, Oregon believes that the issues before the Board in this proceeding now appear to have been generally resolved. Oregon retains, however, concerns as to the engineering analysis that remains to be completed by the Licensee, particularly as to seismic qualification of safety related equipment and as to engineering safety evaluations which may be performed by the Licensee prior to making any changes in or deviations from the proposed modifications to the Trojan complex. Such evaluations may be performed pursuant to 10 CFR 50.59 relating to Licensee's proposed condition (1) (changes and deviations from PGE 1020 and representations made by the Licensee in certain other documents); pursuant to Licensee's proposed condition (2)(a) (Trojan Operating License, appendix A, paragraph 5.7.2.2, which requires NRC approval of design changes which cause a net 1% reduction in seismic capability, etc.); and pursuant

to Licensee's proposed condition (1)(g) (changes in seismic qualification of safety related equipment).

As set forth in Oregon's Proposed Findings 288 and 289, the great difficulty and complexity of the engineering design safety analysis necessary in order to design and review the proposed modifications has been apparent throughout the two-year course of this proceeding. The "state of the art" level of the analysis has led to differences in engineering judgment between the Licensee and the Staff. As to the analyses that have been completed, these differences have been resolved. Nonetheless, Oregon believes that it is appropriate for the NRC staff to be kept informed in a timely manner of each of the engineering safety analyses that, as set forth above, will or may be done in the future. Oregon does not believe that an NRC construction inspector or the NRC Regional Office of Inspection and Enforcement would have the expertise to perform a review of the complexity associated with the seismic safety questions that have been the subject of this proceeding. For that reason, Oregon has proposed an accelerated reporting requirement as provided by 10 CFR 50.59 which states:

"(b) The Licensee shall maintain records of changes in the facility and of changes in the procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the Safety Analysis Report or constitute changes in procedures as described in the Safety Analysis Report. . . . These records shall include a written safety evaluation which provides the bases for the

determination that the change, test, or experiment does not involve an unreviewed safety question. The Licensee shall furnish to the appropriate NRC regional office shown in appendix D of Part 20 of this chapter with a copy to the Director of Inspection Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. . ." (Emphasis added.)


The burden on the Licensee of accelerated reporting to the NRC Staff is significantly lighter of transmitting material and reports (that are otherwise required to be prepared) to the NRC according to the schedule proposed in Oregon's modification of Licensee's proposed condition (1) and (1)(g) rather than waiting to submit the same material in an annual report. An annual report would be of no practical use during the modification work as the work will have been completed and "set in concrete" long before reports of changes in the modifications reached the appropriate staff.

It is important to note that Oregon has not suggested that the Staff approve in advance each change or deviation in the modifications. Oregon believes that with timely receipt of the Licensee's engineering safety analysis reports, the appropriate NRC Staff experts can provide meaningful review of Licensee's analyses and that adequate enforcement power exists. In order to aid in making the Staff's review timely, Oregon has suggested in proposed condition (1) that copies

be sent directly by the Licensee to the Office of Nuclear Reactor Regulation as well as to the NRC Region V Office of Inspection and Enforcement.

The findings and conditions proposed by Oregon are intended to increase the likelihood that the modifications to the complex in all their final details will meet the seismic safety standards that have been the concern of all the parties to this proceeding. Oregon's proposals are within the provisions of the appropriate NRC regulation, 10 CFR 50.59(b), supra, and do not create an undue burden on the Licensee. For all of the above reasons, they should be adopted by the Board.

Respectfully submitted,


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