

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 Proceeding)
)
(Trojan Nuclear Plant))
)

STATE OF OREGON'S PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW CONCERNING DESIGN
MODIFICATIONS FOR THE TROJAN CONTROL BUILDING

I
INTRODUCTION

The State of Oregon proposes the following as additions and supplements to the proposed Findings of Fact and Conclusions of Law submitted by the Licensee on May 7, 1980. If the following additions and supplements are included by the Board in its initial decision, based on the information developed during this proceeding the State of Oregon concurs with and has no objection to the proposed findings and conclusions of the Licensee.

The following findings are proposed as Addition "K" to the Licensee's findings at page 155 after Licensee's finding No. 287. The following license conditions are proposed as additions to Licensee's proposed conditions (l) and (l)(q).

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II

K. Reporting Requirements Relating to Changes
in the Modifications as Proposed By the
Licensee and reviewed By the Board

288. In the expert testimony submitted by the Licensee, the Staff and the State of Oregon and in response to questions by the Board and the parties, there was an uncontroverted consensus that the proposed modifications and the engineering calculations and design safety questions related thereto are complex and difficult and represent the "state of the art" in seismic capability analysis. This is made particularly so by the lack of building code or other accepted data which are specifically and completely applicable to the construction of the Trojan complex. It was necessary, therefore, to rely on a testing program and to perform a detailed and complex analysis unique to the Trojan complex (Licensee Exh. 28 pp. 11, 23a, 25, 33, 48, 59; Staff Exh. 17a pp. 42, 53; Tr. 3274, Tr. 3278, Tr. 3280, Tr. 3283, Tr. 3333 (Herring), Tr. 3608, Tr. 4356; Tr. 4420 (Bressler)).

289. Because of the complexity and unique nature (as described in F 288, supra) of the engineering design safety questions that had to be resolved during the two-year course of this proceeding, differences in engineering judgment necessarily arose between the staff and licensee (Staff Exh. 17a pp. 11 - 17, 20 - 22, 26, 28, 37 - 40, 54; Licensee Exh. 28 pp. 46, 66, 68, 73, 77; Tr. 3903, Tr. 4402 -4403, Tr. 4628). These engineering judgment differences between the

staff and the licensee have finally been resolved. However, certain analyses, including review of the seismic qualification of safety related equipment due to the widened response spectra as well as aspects of the "block wall problem", will not be performed until subsequent to this proceeding and prior to the modification work itself. In addition, certain details of construction plans and the modification design are not finalized and may be subject to changes. (Licensee Exh. 28 p 64; Staff Exh. 15a pp 25 - 27; Tr. 3727, Tr. 4373, Tr. 4647, Tr. 4622 - 4627, Tr. 4750 - 4753, Tr. 4789). Licensee's proposed License Condition 2A, (which references the Trojan Operating License, appendix A, paragraph 5.7.2.2) as modified by this decision and 10 CFR 50.59 limit further changes to the proposed modifications as reviewed by the Board provided the Licensee concludes their effect is not significant. However, the Board believes that because of the complexity and uniqueness of the engineering design safety questions relating to this proceeding and the differences in engineering judgment which have occurred, continued monitoring must be performed by the appropriate Staff experts in the Office of Nuclear Reactor Regulation of all remaining engineering design safety analyses performed by the Licensee (Tr. 3318).

290. Based on the foregoing, the Board finds that, pursuant to 10 CFR 50.59(b), accelerated reporting to the Staff of changes and deviations from the modifications as

proposed and of further analyses of safety related equipment should be made in accordance with conditions (1) and (1)(q) in the Board's order.

III

(1) Add the following statements to Licensee's proposed license condition (1) after the sentence "Any deviations or changes from the foregoing documents shall be accomplished Pursuant to 10 CFR 50.59:

"Reports required by 10 CRF 50.59(b) shall be made to the NRC for information in accordance with the following schedule:

(a) Any deviations or changes which require or cause the Licensee to perform calculations to ensure compliance with the criteria of Trojan Operating License, Appendix A, Paragraph 5.7.2.2 (per Licensee's proposed conditions 2(a)) shall be reported prior to commencement of the deviations or changes.

(b) All other deviations or changes shall be reported within fourteen (14) days after the Licensee initially decides to implement them.

(c) A copy of all reports submitted to the NRC pursuant to 10 CFR 50.59 shall be sent to the Office of Nuclear Reactor Regulation.

(2) Add the following statements to Licensee's proposed license condition (1)(q) after the sentence "Any changes to piping systems necessary to ensure that the condition is met shall be performed before the structural modifications are made.":

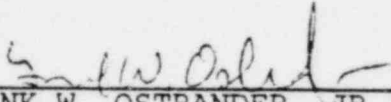
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"The evaluations to determine whether such changes are required shall be submitted to the NRC Office of Nuclear Reactor Regulation for information prior to implementation."

Respectfully Submitted,


FRANK W. OSTRANDER, JR.
Assistant Attorney General
Of Attorneys for the Oregon
Department of Energy

CERTIFICATE OF SERVICE

I, Frank W. Ostrander, Jr. hereby certify that on this 19th day of May, 1980, I served the within "State of Oregon's Proposed Findings of Fact and Conclusions of Law Concerning Design Modifications for the Trojan Control Building" upon the following parties of record by then depositing in the United States mail 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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