

1-13-71

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PORTLAND GENERAL ELECTRIC COMPANY	)	
THE CITY OF EUGENE, OREGON	)	Docket No. 50-344
PACIFIC POWER & LIGHT COMPANY	)	
	)	
(Trojan Nuclear Plant)	)	

REPLY OF AEC REGULATORY STAFF TO  
"PROPOSED FINDINGS OF FACT AND CONCLUSIONS  
OF LAW BY THE INTERVENORS  
(IN THE FORM OF A PROPOSED INITIAL DECISION)"

On December 31, 1970, the intervenor\* in this proceeding filed "Proposed Findings of Fact and Conclusions of Law by the Intervenors (In the Form of a Proposed Initial Decision)". Having reviewed the proposed findings, we submit that the findings (3-12) are either not supported by the record or deal with matters outside the scope of the proceeding and should, therefore, be rejected by the board. Specifically, we note:

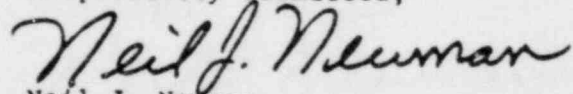
1. Intervenor's proposed findings 3-5 and 8-9 do not correctly reflect the record in this proceeding. The record with respect to the subjects contained therein is properly reflected in paragraphs 14-16 of the "AEC Regulatory Staff's Proposed Findings of Fact and Conclusions of Law (In the Form of a Proposed Initial Decision)" submitted December 22, 1970.

\*Oregon Environmental Council, Northwest Environmental Defense Center, Friends of the Earth, and Northwest Steelheader's Chapter of Trout Unlimited, Inc. (collectively referred to as "intervenor").

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2. Intervenor's proposed finding 7 incorrectly characterizes the facility as "novel and unproven in design". The references cited to the record in its finding do not support this contention; in fact, the testimony cited refutes the alleged characterization (Tr. 496, 768). The design of the Trojan facility contains no new or novel features which have not been reviewed and approved in the context of other pressurized water nuclear facilities. The Trojan reactor design is of a basic design utilized in many reactors, some of which are now in operation. The applicant has submitted at this time sufficient information adequate for a site evaluation pursuant to 10 CFR Part 100 at the construction permit stage (Staff Safety Evaluation, p. 55; Tr. 786; Staff's Proposed Findings 9-10).
  
3. Intervenor's proposed findings 6, 10-12 deal with matters which are essentially outside the scope of the proceeding. It should also be noted that certain of the proposed findings are repetitious of arguments cited in the intervenor's brief in support of its motion to strike the Environmental Statement from the record to which the staff has filed a reply, dated January 6, 1971.

Respectfully submitted,

  
Neil J. Newman  
Counsel for AEC Regulatory Staff

Dated: JAN 13 1971