

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
PORTLAND GENERAL ELECTRIC COMPANY) Docket No. 50-344
 et al)
) (Control Building Proceeding)
(Trojan Nuclear Plant))
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LICENSEE'S RESPONSE TO NRC STAFF'S MOTION FOR CLARIFICATION

Licensee has reviewed NRC Staff's Motion for Clarification of Initial Decision with Regard to License Condition on Control Building Modifications (Staff's Clarification Motion). In light of the questions raised by the NRC as to the Board's intent with regard to one of the license conditions imposed by the Board, Licensee concurs that it would be useful to have the Board clarify its intent.

The Staff's Clarification Motion deals with License Condition 2.C.11, which was directed to be added to the Trojan Operating License in the Board's Initial Decision of July 11, 1980.^{1/} The condition imposed by the Board differed from a similar condition that had been proposed by the Licensee and the Staff, in that it did not contain references to a number of supplementary documents that had been included in the proposals of Licensee and the Staff.^{2/} The Staff

1/ Initial Decision, slip. op., pp. 56-57.

2/ Staff's Clarification Motion, pp. 2-3.

questions the Board's intent in omitting references to those supplementary documents and suggests three alternative possibilities as to the Board's intent.^{3/}

The Staff's three suggestions are not wholly clear to us. However, rather than discussing those suggestions, we believe it would be more useful to the Board to describe what the Licensee believed it was accomplishing in its proposed version of the condition (which was identical to the Staff's proposed version)^{4/} and what the Licensee understands its obligations to be in light of the version adopted by the Board.

Licensee's proposals with respect to the modifications of the Control Building which are the subject of this proceeding were contained in the "Report on Design Modifications for the Trojan Control Building" (PGE-1020), as revised through Revision 4 (Licensee Exh. 24) and in additional documents containing supplementary information (all of which were listed in the version of Condition 2.C.11 proposed by Licensee and the Staff). As understood by Licensee, the effect of listing PGE-1020 and such supplementary documents in Condition 2.C.11 was to make clear that these documents were to be treated for regulatory purposes as the equivalent of the Trojan Final Safety Analysis Report (FSAR). This was achieved by stating in the third sentence of Condition 2.C.11 that "Any deviations or changes from the foregoing documents shall be accomplished in accordance with the

^{3/} Id., pp. 3-4.

^{4/} Licensee's proposed version was derived from the essentially similar condition proposed by the Staff in the SER (Staff Exh. 13A, ¶6.2.2, p. 88).

provisions of 10 CFR part 50.59." Thus, Licensee was obligated to comply with all commitments set forth in such documents as if they were contained in the FSAR; and could deviate therefrom only in accordance with procedures set forth in § 50.59.

Eventhough the Board determined not to include references to all of the supplementary documents in Condition 2.C.11, Licensee still considers itself bound to the commitments which it made there, as if such commitments appeared in the FSAR. Accordingly, Licensee will comply with the commitments contained in the documents which were not listed by the Board and will utilize § 50.59 procedures as to any deviations or changes therefrom.^{5/}

In view of Licensee's explicit expression of its obligations, as set forth above, Licensee does not believe that any amendment of the FSAR is necessary to achieve the purposes of the Staff or the Board. Licensee does intend to incorporate its commitments, as appropriate, into the FSAR as part of the updating of the FSAR required under the newly added § 50.71(e) of the Commission's regulations,^{6/} within the schedule set forth therein. In keeping with the scope and format of the FSAR, the material to be incorporated would consist of basic design, analytical technique and acceptance criteria information and would not, of course, include work performance or construction details.

^{5/} The list of supplementary documents that appears in Condition 2.C.11 is also incorporated by reference in the amended version of Technical Specification 5.7.2.1, which will become effective when the Trojan Control Building modification program is completed. See Staff's Clarification Motion, at n. 5, p. 3. For purposes of this technical specification, Licensee also considers itself bound to the commitments contained in the documents not listed by the Board.

^{6/} 45 Fed. Reg. 30614 (May 9, 1980).

Licensee respectfully suggests that in response to the Staff's Clarification Motion the Board affirm that Licensee has correctly stated above its obligations under the license amendment issued pursuant to the Initial Decision.

Licensee would have no objections if the Board determined that the list of supplementary documents that had been included in the proposals submitted by the Staff and Licensee should be inserted in Condition 2.C.11.

Respectfully submitted,

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