

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Marshall E. Miller, Esquire, Chairman  
Dr. Kenneth A. McCollom, Member  
Dr. Hugh C. Paxton, Member



In the Matter of )  
PORTLAND GENERAL ELECTRIC COMPANY, et al. )  
(Trojan Nuclear Plant) )

Docket No. 50-344SP

August 27, 1980

ORDER CLARIFYING INITIAL DECISION  
WITH REGARD TO CONTROL BUILDING  
MODIFICATIONS  
(August 27, 1980)

An Initial Decision was issued on July 11, 1980, in this proceeding regarding proposed modifications to the control building at the Trojan Nuclear Plant. In that decision the Licensing Board found that modifications proposed by the Licensee will be adequate to bring the control building into substantial compliance with Technical Specification 5.7.1, as required by the NRC's Order for Modification of License dated May 26, 1978. The Initial Decision authorized performance of the modification work as proposed, and further provided that the modification program should be subject to a number of specified conditions [(a)-(v)].

The Initial Decision contained an Order which reads as follows:

"Control Building Modifications. The Licensee is authorized to and shall proceed with modifications to the Control Building in order to restore substantially the originally intended design margins. The modification program shall be accomplished in accordance

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with PGE-1020, 'Report on Design Modifications for the Trojan Control Building', as revised through Revision No. 4, and as supplemented by PGE Exh. 27 (Licensee's Testimony ('Broehl, et al.') on Matters Other Than Structural Adequacy of the Modified Complex, March 17, 1980). Any deviations or changes from the foregoing documents shall be accomplished in accordance with the provisions of 10 CFR part 50.59." (Slip Opinion, pp. 56-57)

The Staff and the Licensee had recommended a somewhat similar provision in their proposed findings of fact and conclusions of law, which also purported to incorporate a number of other documents and letters, as follows:

"Control Building Modifications. The Licensee is authorized to and shall proceed with modifications to the Control Building in order to restore substantially the originally intended design margins. The modifications program shall be accomplished in accordance with PGE-1020, 'Report on Design Modifications for the Trojan Control Building', as revised through Revision No. 4, and as supplemented by Licensee's letters dated February 28, March 28, June 22, June 29, July 5, 6 and 10, August 13, September 5 and 26, November 21, December 17, 21 and 22, 1979, and January 28, February 13 and 21, and March 5, 6, 17, 20, 21, and 27, 1980; testimony filed by Licensee on March 17, 1980; Licensee's answers of April 2 and 14, 1980, to NRC Staff questions; and 'Licensee's Responses to Interrogatories dated August 27, 1979 from the State of Oregon' dated September 17, 1979 and supplemented February 29, 1980. Any deviations or changes from the foregoing documents shall be accomplished in accordance with the provisions of 10 CFR Part 50.59." (emphasis added)

Since the above-quoted provision in the Order did not contain the numerous letters and other documents described in the proposed findings, the Staff in its motion for clarification inquired whether the Board:

"intends solely to impose as license conditions the provisions of PGE-1020 through Revision 4 and PGE Exh. 27, leaving all other material as part of the FSAR descriptions of the Control Building modification details, supporting analytical evaluations, acceptance criteria, Licensee commitments and implementing procedures which may not be changed without prior NRC approval pursuant to 10 CFR §50.59 in applicable instances?"

The answer to the above Staff inquiry is in the affirmative.

During the course of the evidentiary hearing the Licensing Board repeatedly informed the parties that it did not wish license conditions to incorporate by reference a large mass of documents, some of which were inconsistent with or were superseded by other documents. It was felt that license conditions should be organized into one cohesive document, setting forth as precisely and clearly as possible the actual conditions to be imposed upon the Licensee.

For example, Dr. McCollom expressed concern that by the time all answers to interrogatories incorporated in the conditions were located and analyzed, there might be a lack of consistency. He indicated that this ought to be resolved, particularly if the conditions were to be imposed in the license itself. He also pointed out that the stack of materials included by reference in the conditions would be in the order of 10 to 12 inches thick, leading to confusion (Tr. 3469-70).

Mr. Gray, NRC Staff Counsel, suggested that in testimony to be filed later they would lay out precisely what the license conditions were. In turn, Dr. McCollom suggested that the Licensee might want to provide a revised file in place of the accumulated interrogatories (Tr. 3502-03).

A discussion also occurred between Chairman Miller and Mr. Axelrad, Attorney for Licensee, about the fact that in Licensee Exhibit 25 some documents superseded other documents in the same exhibit. Mr. Axelrad indicated that the latest information would have to be looked at and that the latest refinement in design would be reflected in the latest document. Mr. Axelrad also agreed that the earlier submittal then would stand without revealing the fact that it had been modified as such. Chairman Miller, in turn, indicated that "The Board does not believe that we would like to have license conditions in the form or in any particular form where you would have to refer to other documents to see the present status." He expressed the desire that the Board wished to have in one complete set, even though it be a lengthy document, the revised conditions so that they were set forth with finality (Tr. 3697-99, 3730-31).

Many of the materials rejected by the Board as license conditions incorporated by reference were contained in Licensee Exhibit 25, and were regarded as extraneous to license conditions. Some examples are as follows:

1. In Licensee's Exhibit 25-d, question 1, the answer is a safety related definition. There is no indication of any condition that needs to be considered.

2. In Licensee's Exhibit 25-d, question 5, the answer provides the basis for addition of future equipment. The fact that there is an insignificant, or less than one percent addition for a 25 percent increase of the mass of the existing equipment, is a technicality, not a condition ne<sup>ed</sup>ed for construction.

3. In Licensee Exhibit 25-d, question 20, the Licensee verifies that original FSAR pipe criteria are not impacted by the new analysis. Again, this has nothing to do with conditions for construction.

4. In Licensee Exhibit 25-e, question 11, there is a report of the examination of shrinkage which is merely an explanation rather than a condition required for the construction process.

5. In Licensee Exhibit 25-e, question 19, there is an explanation of why higher allowables are appropriate in the STARDYNE model. The explanation and answer is a part of the process, not a requirement or condition for construction.

The above are a few examples of extraneous material found in the proposed conditions submitted by the Staff and Licensee, primarily on how the process was achieved rather than conditions for the construction process.

Other documents in Licensee Exhibit 25 are responses which supersede other data or requirements previously stated. Some examples are as follows:

1. In Licensee Exhibit 25-q, attachment 10, there is described a supplemental response to question 6 which supersedes Licensee's previous response dated December 22, 1979, to that question. The information in Licensee Exhibit 25-o has been replaced by Licensee Exhibit 25-q, thus causing ambiguity depending upon what part is referenced by parties involved.

2. In Licensee Exhibit 25-q, attachment 12, there are provided corrected response spectra to replace some pages of attachment 21-1, provided with Licensee's response dated December 21, 1979, to NRC, question 21 dated October 2, 1979, and contained in Licensee Exhibit 25-o as well. Again, there are ambiguities between different parts of Licensee Exhibit 25 in the recommended conditions by Licensee and Staff.

3. In Licensee Exhibit 25-u, paragraph 3, the Licensee indicated that it had performed different analyses taking into account the postulated effects of gross bending, dead-load reductions, relative displacements between panels due to slipping, and elimination of resistance provided by beam-column connections. Even with these additional conservatisms, it concluded that the modified complex overall has an available capacity at least equal to that required to satisfy the 1.4 load factor, OBE criteria.

Now there are two different calculations in the record, one of which is more conservative than the other and both of which are included in the conditions for the construction modifications.

4. In Licensee Exhibit 25-g, question 6(a) the clear description of the bolt assembly and hardware arrangement indicated that the bolt assembly consists of a one and three quarter inch diameter rod threaded on both ends. On the other hand, Mr. Broehl of Portland General Electric testified that the bolt assembly had now changed to consist of bolts of two inches diameter. Here too there is an inconsistency between Licensee Exhibit 25 and the final modification arrangement (Tr. 3927).

In conclusion, the Staff has indicated in its motion that if the Board affirmatively answers the query set forth above (which it does), then the Staff will have the Licensee appropriately amend the FSAR to include the additional material. It will also modify Technical Specification 5.7.2.1 accordingly. The Licensee has stated that it understands that the supplemental documents are to be treated for regulatory purposes as the equivalent of the FSAR, and that the Licensee considers itself bound to all the commitments it has made thereby. The Licensee has correctly stated

in its Response to NRC Staff's Motion for Clarification, its obligations under the license amendment issued pursuant to the Initial Decision.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Marshall E. Miller*  
Marshall E. Miller, Chairman

Dated at Bethesda, Maryland  
this 27th day of August 1980.