

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of PORTLAND	)	Docket No. 50-344
GENERAL ELECTRIC COMPANY,	)	
et al, (Trojan Nuclear	)	(Control Building)
Plant).	)	

11/20/78

PROPOSED FINDINGS

The State of Oregon submits the following proposed findings in accordance with the Board's request of November 3, 1978.

I.

On May 26, 1978, the Acting Director, Office of Nuclear Reactor Regulation, issued an Order for Modification of License finding that there were design errors relating to the Trojan Control Building shear walls; that as a result of such design errors, the walls did not meet the design criteria set forth in the Final Safety Analysis Report (FSAR) for the facility. The Director also determined that interim operation of the facility prior to modifications to restore required safety margins would not impose an undue risk to the health and safety of the public, if (1) no modifications were undertaken which would reduce shear wall strength without NRC approval; and (2) the facility would be brought to a cold shutdown position in the event that an earthquake occurs exceeding the facility criteria for a 0.11g peak ground acceleration at the plant site. Upon

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such an occurrence, the facility could not resume operation without NRC approval.

## II.

The Director's Order of May 26, 1978 also determined that a license amendment was required and that since it could not be found that such amendment involves no significant hazards consideration, an opportunity for hearing must be granted under 42 USC §2239, as amended. By the terms of the Order, the scope of the hearing should be limited to (1) whether interim operation prior to the modifications required by the Order should be permitted; and (2) whether the scope and timeliness of the modifications required by the Order to bring the facility into substantial compliance with the license are adequate from a safety standpoint.

## III.

The Order of the Director providing an opportunity for hearing was affirmed by the NRC on July 7, 1978. Such hearing was requested within the time allowed by law and an Atomic Safety and Licensing Board was appointed to preside.

## IV.

By Order of August 25, 1978, the Board in this matter directed that the case be divided into two phases, each proceeding to a final determination. The first phase would decide whether the facility should operate in the interim

pending modification. The following phase should determine the modifications necessary for permanent operation.

V.

Hearings on the first phase (interim operation) commenced in Salem, Oregon on October 23, 1978. By November 3, 1978, the record was complete on all matters within the authority of the Board to consider relating to interim operation, except the qualification of safety-related equipment necessary for safe shutdown. Direct testimony was presented on the capacity of the Control Building shear walls to withstand the required SSE of 0.25g ground acceleration. The evidence consisted of direct testimony and the exhibits by the Bechtel Corporation, Portland General Electric Company, the State of Oregon, and the NRC staff. Such evidence also included recommendations by certain parties relating to the appropriate OBE level at which the plant should be shut down for inspection during interim operation.

VI.

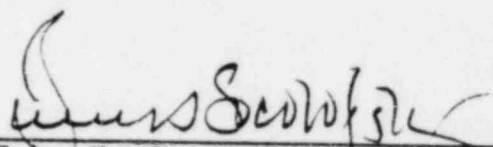
Based on the evidence of record, it is clear that the Control Building shear walls, as built, do in fact have sufficient capacity to withstand a 0.25g safe shutdown earthquake and will suffer no deterioration which would prevent safe shutdown.

VII.

With respect to the appropriate OBE level during interim operation, the NRC staff recommends a conservative .08g maximum ground acceleration. Such level is well within the capability of the existing facility. Since PGE is willing to accept staff's recommendation, the Board need not determine whether a higher level also would be suitable.

Respectfully submitted,

JAMES A. REDDEN  
Attorney General



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John H. Socolofsky  
Assistant Attorney General  
and Counsel  
Of Counsel for the State of  
Oregon

CERTIFICATE OF SERVICE

I hereby certify that I have this day served true copies of the foregoing Proposed Findings upon all parties of record, by depositing in the United States Post Office at Salem, Oregon, postage prepaid, on the 20th day of November, 1978, upon the following parties of record:

Marshall E. Miller, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Kenneth A. McCollom, Dean  
Division of Engineering,  
Architecture & Technology  
Oklahoma State University  
Stillwater, Oklahoma 74074

Dr. Hugh C. Paxton  
1229-41st Street  
Los Alamos, New Mexico 97544

Mr. John A. Kullberg  
Route One  
Box 250Q  
Sauvie Island, Oregon 97231

H.H. Phillips, Esq.  
Vice President, Corporate  
Counsel and Secretary  
Portland General Electric Company  
121 S.W. Salmon Street  
Portland, Oregon 97204

Ms. Nina Bell  
632 SE 18th  
Portland, Oregon 97214

Mr. Stephen M. Willingham  
555 N. Tomahawk Drive  
Portland, Oregon 97217

Mr. Eugene Rosolie  
Coalition for Safe Power  
215 SE 9th Avenue  
Portland, Oregon 97214

Robert Lowentstein, Esq.  
Lowenstein Newman, Reis  
& Axelrad  
Suite 1214  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Mr. David B. McCoy  
348 Hussey Lane  
Grants Pass, Oregon 97526

Ms. C. Gail Parson  
800 S.W. Green #6  
Portland, Oregon 97526

William W. Kinsey  
U. S. Department of Energy  
Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208

Gregory Kafoury, Esq.  
Counsel for Columbia Environment  
Council  
202 Oregon Pioneer Building  
320 S.W. Stark Street  
Portland, Oregon 97204

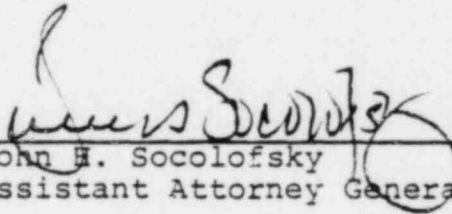
Robert M. Johnson, Esq.  
Assistant Attorney General  
100 State Office Building  
Salem, Oregon 97310

Joseph R. Gray, Esq.  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C 20555

Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

  
\_\_\_\_\_  
John H. Socolofsky  
Assistant Attorney General