



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)
)
(Trojan Nuclear Plant))

STATE OF OREGON'S MOTION FOR
AN EXTENSION OF TIME IN WHICH TO
RESPOND TO LICENSEE'S MOTION FOR
SUMMARY DISPOSITION OF SPECIFIED CONTENTIONS

The State of Oregon, acting by and through the Oregon Department of Energy and the Energy Facility Siting Council, moves for an extension of the time for response to licensee's Motion for Summary Disposition of Specified Contentions, until a reasonable time following service of the staff Safety Evaluation Report (SER) and service of licensee's and the NRC's replies to the State of Oregon's interrogatories.

This motion is made on the following grounds:

(1) The licensee's motion was served on all parties on August 27, 1979, and seeks summary disposition of nine of the admitted and consolidated contentions of intervenors Coalition for Safe Power (CFSP) or Consolidated Intervenors (CI). The normal time for a reply pursuant to 10 CFR 2.749(a) would end on September 16, 1979.

(2) Also on August 27, the State of Oregon served the licensee and NRC with interrogatories, the response to which may directly influence the State of Oregon's position on all

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or part of licensee's motion. To illustrate, licensee moves for summary disposition of CFSP's contention 17:

"Performance of modification work will hamper the ability of plant operators to respond to any emergencies properly and thus poses an undue risk to the public health and safety."

Oregon's interrogatories 2, 3, 4(a), 4(b), 5(a), 5(b) and 6 appear directly related to contention 17. Until receipt and evaluation of licensee's responses, it is impossible for Oregon to determine whether to oppose or support licensee's motion. Oregon has similar concerns as to each of the contentions that are subject to licensee's motion.

(3) On September 7, 1979, the NRC staff moved the Board to delay issuance of the staff SER until additional staff questions to the licensee were answered and evaluated. No new date has been set for issuance of the SER. The State of Oregon believes that matters being investigated by the staff in its preparation of the SER also bear directly on licensee's Motion for Summary Disposition. To illustrate, staff questions to the licensee from the systems branch numbers 1, 2, 3, 4, 5(a), 5(b), 7, 8, 9 and 10(c) dated August 17, 1979 as well as several staff questions dated July 20, 1979 appear directly related to CFSP's contention 17, noted above. Without the benefit of the staff's determination in the SER as to the adequacy and safety consequences of the licensee's responses to these and other staff questions it is also very difficult for Oregon to determine

whether to oppose or support licensee's motion. Information in the SER will likely also be of importance in evaluating the other contentions subject to licensee's motion.

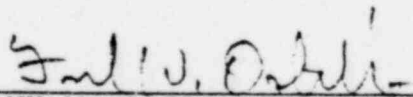
(4) Upon completion of discovery between the parties and evaluation of the staff SER, it will be possible for Oregon to take an informed position relating to the various contentions of the intervenors subject to the licensee's Motion for Summary Disposition.

(5) The time needed by Oregon to determine its response to licensee's motion should not be excessive. The State of Oregon would accept any reasonable time constraints set by the board and suggests that it could reply to licensee's motion within fourteen (14) days following service of the SER and completion of discovery among the parties.

(6) Upon being informed on September 7, 1979 that the SER would not be issued on that date, the State of Oregon informed counsel for the NRC and the licensee of its intention to file this motion.

(7) The Affidavit of Frank W. Ostrander, Jr. in support of this motion is attached hereto.

Respectfully submitted,


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Of Attorneys for the State of Oregon