

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD



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

ORDER VACATING HEARING SCHEDULE
(June 5, 1979)

On May 21, 1979 the Staff filed a motion for postponement of hearing and adoption of an alternate hearing schedule. The other parties have indicated that they do not object to the motion for postponement, although they wish to conclude this proceeding as soon as reasonably possible.

By its Order of April 12, 1979, the Board established July 30, 1979 as the date for commencement of the evidentiary hearing, which became the base date for fixing the time to complete precedent actions such as filing motions for summary disposition or prefiled direct testimony. This schedule was anchored on the Staff's indication that it expected to issue its Safety Evaluation Report (SER) on the control building modifications by at least the end of May, 1979.

As the Staff's motion indicates, since this schedule was established several matters unrelated to Trojan have cast substantial doubt on the Staff's ability to issue its SER before August 15, 1979, if then. These important and high-priority matters include the accident at the Three Mile Island facility, the shutdown of five facilities because of analytical errors in pipe stress analysis codes, an incident at Oyster Creek facility, and certain unresolved generic safety questions of high priority. We recognize that these matters have required the substantial attention of key staff personnel, and are sufficient to justify a postponement of the present hearing schedule.

We are mindful that we have been directed by the Commission and encouraged by the Appeal Board to act expeditiously in this matter, consistent with reaching a sound decision. However, we have previously found from the evidence adduced at hearing that there is reasonable assurance that interim operation of Trojan prior to approval and implementation of control building modifications, will not endanger the health and safety of the public if certain license conditions are observed. That finding was approved by the Appeal Board (ALAB-534), and it remains valid. A limited continuance is therefore in order.

However, the Board declines at this time to adopt an alternate schedule, as suggested by the parties. Some delays and confusion resulted in the Phase I portion of the hearing because of new information, last minute discovery and the like. We will therefore not establish a new schedule until the Staff issues its SER on the proposed modifications. The Board will endeavor to hold available for an evidentiary hearing some time in the early and middle part of October, 1979. But it will be necessary for the Staff to fix an anchor date for any new schedule by the filing of an SER. All parties are directed to continue discovery on all matters not necessarily and directly related to the SER. In particular, Intervenors Nina Bell and Consolidated Intervenors are directed to respond forthwith to the Licensee's Second Set of Interrogatories to Intervenors, dated May 8, 1979 and personally served on May 9, 1979.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND LICENSING BOARD

Marshall E. Miller
Marshall E. Miller, Chairman

Dated at Bethesda, Maryland,
this 5th day of June, 1979.