

TO BE FILED

Hearing File

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



9-15-77

In the Matter of
PORTLAND GENERAL ELECTRIC
COMPANY, ET AL.
(Trojan Nuclear Plant)

Docket No. 50-344
(Proposed Amendment for Fuel
Storage Pool Modification)

ORDER RESCINDING BOARD'S MEMORANDUM
AND ORDER OF AUGUST 8, 1977

On August 8, 1977, we entered a Memorandum and Order granting The State of Oregon's Motion For Separate Hearings. Therein, we ruled that the first phase of the hearing would address only those issues directly related to the installation of the new spent fuel storage racks and that the second phase would deal with all issues related to the use of the new racks. We so ruled because the State of Oregon, Portland General Electric Company and the NRC Staff had represented to us that the spent fuel storage pool was presently empty and dry, and, thus, was uncontaminated. Relying upon these representations and believing that early installation of the racks in an uncontaminated pool could offer safety advantages, the Board granted the motion for bifurcation.

However, under date of August 30, 1977, PGE forwarded to the Board Revision 2 to PGE-1013. Section 5.3 thereof states that:

"Although no spent fuel has been stored in the SFP, the SFP was used to temporarily store liquid radwaste in July 1976 prior to its processing in the radwaste system. As a result, low-level radioactivity is present on the lower 80 percent of the existing spent fuel racks. The radioactivity levels range from an average 70,000 dpm/100 cm² to a maximum of 120,000 dpm/100 cm². The predominate nuclides are Co-58 and Co-60. General radiation levels in the SFP are less than 0.1 mrem/hr."

emphasize added

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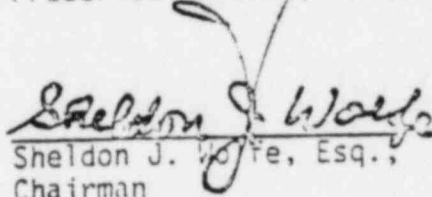
It is now clear that, contrary to the aforementioned representations, the SFP is no longer uncontaminated and indeed has been contaminated since July, 1976. Accordingly, the basis upon which the Board issued its August 8th Order is no longer valid and we herewith rescind that Order.^{1/}

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD


Dr. Frederick P. Cowan, Member


Frederick J. Shon, Member


Sheldon J. Wolfe, Esq.,
Chairman

Dated at Bethesda, Maryland
this 15th day of September, 1977.

^{1/} On August 18, 1977 and August 19, 1977 respectively, Ms. Garrett and Mr. McCoy respectively filed Motions To Certify Issues To The Commission. Said Motions are denied as now being moot. Further, shortly after we had decided this morning to issue the instant order, we received Mr. McCoy's Motion To Reconsider Order Granting Separate Hearings dated September 12, 1977. Said Motion is likewise denied as being moot.