



**TO BE FILED IN**  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Hearing File

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket No. 50-344
PORTLAND GENERAL ELECTRIC	)	(Proposed Amendment to Facility
COMPANY, <u>ET AL.</u>	)	Operating License NPF-1 to
	)	Permit Storage Pool Modification)
(Trojan Nuclear Plant)	)	

NRC STAFF MOTION FOR RECONSIDERATION OF ORDER  
RESCINDING MEMORANDUM AND ORDER OF AUGUST 8, 1977

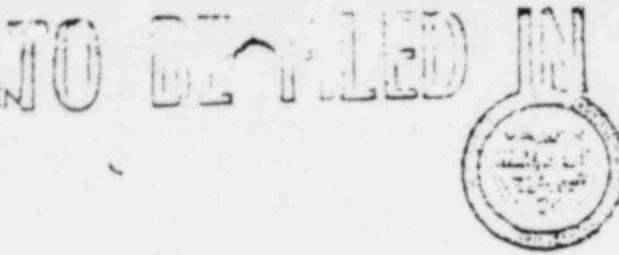
By Order dated September 15, 1977, the Atomic Safety and Licensing Board (Board) rescinded its Memorandum and Order of August 8, 1977 in which it granted the State of Oregon's (State) Motion for Separate Hearings. The Board based the rescission order on its determination that the basis for its August 8th Memorandum and Order viz. that the spent fuel storage pool (SFP) is uncontaminated, is no longer valid. This determination was predicated on Portland General Electric Company's (PGE) submission of Revision 2 to PGE-1013 (the application for modification of the SFP), Section 5.3 wherein PGE stated that the SFP had been used for temporary storage of liquid radwaste and, as a consequence, low-level radioactivity is present. This, the Board implies, is contrary to representations by the State, PGE and the NRC Staff to the effect that the SFP is presently empty, dry and uncontaminated. \* 1)

For the following reasons, the Staff respectfully moves, pursuant to 10 CFR § 2.73), that the Board reconsider its Order of September 15, 1977, and reinstate its Memorandum and Order of August 8, 1977 granting separate hearings.

\* 1) emphasize added

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September 14, 1977

RELATED CORRESPONDENCE



Sheldon J. Wolfe, Esq., Chairman  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Re: Docket No. 50-344 (Trojan Nuclear Plant)  
Spent Fuel Pool Modification

Dear Chairman Wolfe:

On August 8, 1977, the Atomic Safety and Licensing Board issued an order bifurcating the above-referenced proceeding into two stages. The order was issued in response to a motion requesting bifurcation filed by the State of Oregon.

In its motion, Oregon contended that bifurcation could permit Portland General Electric Company ("PGE") to install new spent fuel storage racks before the spent fuel pool was contaminated with radioactive wastes, thereby reducing costs and occupational exposures. Oregon alleged specifically that the spent fuel pool was presently uncontaminated. (See Oregon's Motion for Separate Hearings, p. 2, and supporting Brief, p. 4). The reply of the NRC staff, which generally supported Oregon's motion, also stated that the spent fuel pool was uncontaminated. (See staff Reply, p. 4).

In stating that the spent fuel pool was presently uncontaminated, Oregon relied upon the applicant's representation on page 6-3 of the supporting document to its application, PGE-1013, as revised in April, 1977. The Board's order relied on these representations that the spent fuel pool was uncontaminated. (See Order, p. 4, and fn. 2).

On August 29, 1977, PGE filed Amendment 2 to PGE-1013. Because of the press of other matters, neither I nor Mr. Godard