

Regulatory Commission, Washington, DC 20555

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, MD, this 7th day of March 1997.

B. Paul Cotter, Jr.,

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 97-6340 Filed 3-12-97; 8:45 am]

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**[Docket No. 50-344]**

**Portland General Electric Company (Trojan Nuclear Plant); Order Approving Application Regarding the Planned Merger of Portland General Corporation, the Parent Holding Company for Portland General Electric, With Enron Corporation**

**I**

Portland General Electric Company (PGE or the licensee) owns a 67.5-percent interest in the Trojan Nuclear Plant (TNP) located on the west bank of the Columbia River in Columbia County, Oregon. PGE holds Facility Operating License No. NPF-1 issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) on November 21, 1975. Under this license, PGE has the authority to possess and maintain but not operate TNP. PGE is currently a wholly owned subsidiary of Portland General Corporation (PGC).

**II**

By letter dated August 20, 1996, as supplemented by letters dated October 16, 1996, and October 30, 1996, PGE informed the Commission that PGE's parent company, PGC, has agreed to a merger with Enron Corporation (Enron), subject to certain conditions. Those conditions include approval by the shareholders of the companies and obtaining appropriate governmental approvals which do not impose terms or conditions that would be reasonably likely to have an adverse effect on PGE or Enron.

In the August 20, 1996, submittal, as supplemented by letters dated October 16, 1996, and October 30, 1996, PGE requested the Commission's consent to the planned merger to the extent necessary under Sections 81, 101, and 184 of the Atomic Energy Act, and under 10 CFR 50.80 and 10 CFR 30.34. Notice of this application was published in the Federal Register on January 16, 1997 (62 FR 2399). Under the agreement

and plan of merger, the businesses of Enron and PGC would be combined by means of the reincorporation of Enron as an Oregon corporation through the merger of Enron with and into a wholly owned Enron subsidiary (hereinafter referred to as the "Merger Company"), and the merger of PGC into the Merger Company. The shareholders of Enron will become shareholders of the Merger Company, and likewise the shareholders of PGC will become shareholders of the Merger Company on a one-for-one basis. The Merger Company will be known as Enron. PGE will continue to be headquartered in Portland, Oregon and senior management will remain in place. The merger will not affect PGE's status as a regulated public utility in the State of Oregon. After the merger, PGE will continue to be the NRC licensee for TNP and no direct transfer of the operating license or interests in the unit will result from the merger. Direct control of the possession-only license for TNP now held by PGE and its co-owners will remain with PGE and the same co-owners, and will not be affected by the planned merger.

Under 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information submitted in the letter of August 20, 1996, and supplemental letters dated October 16, 1996, and October 30, 1996, and other information before the Commission, the NRC staff has determined that the proposed merger will not affect the qualifications of PGE as holder of the license, and that the transfer of control of the license for TNP, to the extent effected by the merger, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a safety evaluation dated March 6, 1997.

An Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on March 5, 1997 (62 FR 10094).

**III**

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o) and 2234, and 10 CFR 50.80, *it is hereby ordered* that the Commission approves the application regarding the merger agreement between PGC and Enron subject to the following: (1) PGE shall continue to fund its decommissioning trust funds in accordance with the schedule stated in the licensee's Post-

Shutdown Decommissioning Activities Report (PSDAR), and (2) PGE will provide the Director, NRR, with at least 60 days prior notice of a transfer (excluding grants of security interests or liens), from PGE to its parent or to any other affiliated company, of facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding 10 percent of PGE's consolidated net utility plant, as recorded on PGE's books of account; provided, however, this condition (2) shall not apply once (a) PGE has completed all major decommissioning activities, as that term is defined in 10 CFR 50.2, or (b) PGE's external decommissioning trust fund has been funded in an amount sufficient to pay PGE's share of site radiological decommissioning costs as estimated in the PSDAR. Any such notice to the Director, NRR, shall be exempt from public disclosure to the extent permitted by the NRC's regulations implementing the Freedom of Information Act. In addition, should the merger between PGC and Enron not be consummated by December 31, 1997, this Order shall become null and void, provided, however, an application and for good cause shown, such date may be extended.

This Order is effective upon issuance.

**IV**

By April 14, 1997, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how that interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of such hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to 11555 Rockville Pike, Rockville, Maryland between 7:45 am and 4:15 pm Federal workdays, by the above date. Copies should be also sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Douglas R. Nichols, Esq., Assistant General Counsel PGE, 121 S.W. Salmon

Street, Suite 1300, Portland, Oregon 97204.

For further details with respect to this Order, see PGE's application dated August 20, 1996, and supplemental letters dated October 16, 1996, and October 30, 1996, which are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the TNP local public document room located at the Branford Price Millar Library, Portland State University, Portland, Oregon 97207.

Dated at Rockville, Maryland, this 6th day of March 1997.

For the Nuclear Regulatory Commission.  
Samuel J. Collins,  
*Director, Office of Nuclear Reactor Regulation.*  
[FR Doc. 97-6344 Filed 3-12-97; 8:45 am]  
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#### [Docket NO. 50-72]

#### **Environmental Assessment and Finding of No Significant Impact Regarding Termination of Amended Facility Operating License No. R-25 University of Utah AGN-201 Research Reactor**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Order terminating Amended Facility Operating License No. R-25 for the University of Utah (the licensee) AGN-201 Research Reactor (AGN-201) located on the licensee's campus in Salt Lake City, Utah, in accordance with the application dated July 17, 1990, as supplemented on July 18, 1990, June 12, 1991, April 13, 1994, and March 17 and 22, 1995, and February 6, 1996.

#### **Environmental Assessment**

##### *Identification of Proposed Action*

By application dated July 17, 1990, as supplemented on July 18, 1990, and June 12, 1991, the licensee requested authorization to dismantle the AGN-201 and dispose of its component parts in accordance with the proposed decommissioning plan. The application of July 17, 1990, also requested authorization to terminate Amended Facility Operating License No. R-25. Following an "Order Authorizing Dismantling of Facility and Disposition of Component Parts," dated August 1, 1991, (56 FR 37733), the licensee completed the dismantlement and submitted a final survey report dated April 13, 1994, as supplemented on March 17 and 22, 1995, and February 6, 1996. Representatives of the Oak Ridge

Institute for Science and Education (ORISE), under contract to NRC, conducted a survey of the reactor on April 9, 1996. The survey is documented in an ORISE report, "Radiological Survey of the University of Utah AGN-201M Research Reactor, Salt Lake City, Utah," dated June 1996. In a memorandum dated July 15, 1996, NRC Region IV found that the ORISE report findings support the data developed in the licensee's final survey report.

Because the AGN-201 is in the same room as the TRIGA Research Reactor (Docket No. 50-407, Facility Operating License No. R-126) that the University continues to operate, the Reactor Room of the Merrill Engineering Building will continue to be subject to the terms of the TRIGA license. There is no site being released for unrestricted use by this action. Only the remaining reactor component parts possessed under Amended Facility Operating License No. R-25 are being released for unrestricted use by this license termination. The Reactor Room will be considered for release by NRC as part of the request to terminate the TRIGA license at some time in the future. Because the site will continue to be used under a NRC license and will be surveyed in the future, and because application of the regulation is not necessary to achieve the underlying purpose of the rule, the NRC, in a separate action, is considering granting, upon its own initiative, a specific exemption in accordance with 10 CFR 50.12 to the part of the requirements of 10 CFR 50.82(b)(6)(ii) that requires a terminal radiation survey and associated documentation to demonstrate that the site is suitable for release as a condition for license termination.

##### *The Need for Proposed Action*

In order to release the remaining reactor components for unrestricted use, Amended Facility Operating License No. R-25 must be terminated.

##### *Environmental Impact of License Termination*

The licensee indicates that the residual contamination and dose exposures comply with the criteria of Regulatory Guide 1.86, Table 1, which establish acceptable residual surface contamination levels, and the exposure limit, established by the NRC staff, of less than 5 micro rem/hr above background at 1 meter. These measurements have been verified by the NRC staff. The NRC finds that since these criteria have been met, there is no significant impact on the environment and the reactor components can be

released for unrestricted use and the license terminated. Because the site will continue to be subject to an NRC license, terminating Operating License No. R-25 will have no effect on the status of the site and thus, has no significant impact on the environment.

##### *Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denying the proposed action. Denying the application for license termination would result in no change in current environmental impacts and would deny release of the remaining reactor components for unrestricted use and require continuance of the facility license. The environmental impacts of the proposed action and of the alternative action are similar. Since the contaminated and activated reactor and component parts have been dismantled and disposed of in accordance with NRC regulations and guidelines, there is no alternative with less environmental impact than the termination of Amended Facility Operating License No. R-25.

##### *Agencies and Persons Consulted*

The staff consulted with personnel from ORISE (an NRC contractor), who conducted the confirmatory survey for the AGN-201. The staff also consulted with the Utah State official regarding the environmental impact of the proposed action. The State official had no comments.

##### *Finding of No Significant Impact*

The NRC has determined not to prepare an environmental impact statement for the proposed action. On the basis of the foregoing environmental assessment, the NRC has concluded that the issuance of the Order will have no significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for termination of Amended Facility Operating License No. R-25, dated July 17, 1990, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20037.

Dated at Rockville, Maryland, this 6th day of March 1997.

For the Nuclear Regulatory Commission.  
Seymour H. Weiss,  
*Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*  
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