

designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such

a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene 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 the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing

Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 7, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 10th day of March 1997.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Senior Project Manager Project Directorate II-2, Division of Reactor Projects—II, Office of Nuclear Reactor Regulation.

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[Docket No. 50-461-OLA, ASLBP No. 97-725-01-OLA]

Illinois Power Co., Soyland Power Cooperative; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Southwestern Electric Cooperative, Inc., Illinois Power Company, Soyland Power Cooperative

This Board is being established pursuant to a notice published by the Commission on January 29, 1997, in the Federal Register Z (60 FR 45180). The notice issued by the NRC staff regards a proposed transfer of a facility operating license held by Soyland Power Cooperative to Illinois Power Company. The petitioner, Southwestern Electric Cooperative, Inc., seeks to intervene and requests a hearing.

The Board is comprised of the following administrative judges:

G. Paul Bollwerk III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555
 Peter B. Bloch, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555
 Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear

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