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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285]

Omaha Public Power District; Notice of Partial Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Omaha Public Power District (the licensee) to partially withdraw its December 14, 2001, application for proposed amendment to Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The purpose of the licensee's amendment request was to revise Technical Specifications (TS) 3.7.2(d) and 3.7(4) to allow the surveillance tests to be performed on a refueling frequency outside of a refueling outage, and (2) correct the docket concerning inconsistencies in the 1973 Fort Calhoun Station Safety Evaluation Report associated with the 13.8 kV transmission line capability. By letter dated March 21, 2002, the licensee withdrew its request related to the changes to TS 3.7(2)d.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on January 22, 2002 (67 FR 2927). However, by letter dated March 21, 2002, the licensee partially withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated December 14, 2001, and the licensee's letter dated March 21, 2001, which partially withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm.html>. Persons who do not have access to ADAMS or who encounter problems in accessing

the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 26th day of March 2002.

For the Nuclear Regulatory Commission.

Alan Wang,

Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-344 and 72-17; License Nos. NPF-1 and SNM-2509]

In the Matter of Portland General Electric Company, Trojan Nuclear Plant and Trojan Independent Spent Fuel Storage Installation; Order Approving Application Regarding Proposed Corporate Acquisition (Northwest Energy Corporation Purchase of Portland General Electric Company)

I.

Portland General Electric Company (PGE or the licensee) owns a 67.5 percent interest in the Trojan Nuclear Plant (TNP or Trojan) located on the west bank of the Columbia River in Columbia County, Oregon, and in connection with that interest, is a holder of 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 also owns a 67.5 percent interest in the Trojan Independent Spent Fuel Storage Installation (ISFSI) and accordingly, is a holder of Materials License No. SNM-2509 for the Trojan ISFSI. PGE is currently a wholly-owned subsidiary of Enron Corporation (Enron). PacifiCorp and the Eugene Water and Electric Board own the remaining 2.5 percent and 30 percent interests, respectively, in TNP and the Trojan ISFSI, but are not involved in the transaction described below affecting PGE, which is the subject of this Order.

II.

By an application dated December 6, 2001, as supplemented by a letter dated January 31, 2002 (collectively referred to as the application herein), PGE

requested approval of an indirect transfer of the license for TNP and the license for the Trojan ISFSI, to the extent held by PGE. The requested transfers relate to a proposed purchase of all the issued and outstanding common stock of PGE owned by PGE's current parent, Enron, by Northwest Energy Corporation, also known as Northwest Natural Holdco (NW Natural Holdco). PGE is an Oregon corporation engaged principally in the generation, transmission, distribution, and sale of electric energy in Oregon.

On October 5, 2001, Enron and Northwest Natural Gas Company (NW Natural) entered into a Stock Purchase Agreement providing for the purchase by NW Natural Holdco from Enron of all of the issued and outstanding common stock of PGE, subject to certain conditions, including the approval of the NRC. NW Natural will be a wholly-owned subsidiary of NW Natural Holdco, a newly-formed Oregon corporation. The purchase will not affect PGE's status as a regulated public electric utility in the State of Oregon. No direct transfer of the TNP or Trojan ISFSI licenses will occur. Also, no changes to activities under the licenses or to the licenses themselves are being proposed in the application.

Approval of the indirect transfer was requested pursuant to 10 CFR 50.80 and 10 CFR 72.50. Notice of the application for approval and an opportunity for a hearing was published in the **Federal Register** on January 24, 2002 (67 FR 3515). No hearing requests or written comments were received.

Under 10 CFR 50.80 and 10 CFR 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. Upon review of the information in the application, and other information before the Commission, the NRC staff has determined that NW Natural Holdco's proposed acquisition of PGE under the Stock Purchase Agreement will not affect the qualifications of PGE as a holder of Facility Operating License No. NPF-1 and as a holder of Materials License No. SNM-2509, and that the indirect transfer of the licenses, to the extent effected by the proposed acquisition, 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 26, 2002.