

established to adjudicate this ESP proceeding. (See 69 FR 15,910 (Mar. 26, 2004).)

On June 21–22, 2004, the Board conducted a two-day initial prehearing conference at the NRC's Rockville, Maryland headquarters facility during which it heard oral presentations regarding the standing of the ESP petitioners and the admissibility of their six proffered contentions. Thereafter, in an August 6, 2004 issuance the Board noted that the petitioners have established the requisite standing to intervene in this proceeding and ruled that they have submitted one admissible contention concerning the EGC ESP application so that they can be admitted as parties to this proceeding. (*Exelon Generation Company, LLC* (Early Site Permit for Clinton ESP Site), LBP–04–17, 60 NRC (Aug. 6, 2004).)

1. *Hearing(s) Will Be Conducted.* In light of the foregoing, please take notice that a hearing will be conducted in this contested proceeding. This hearing will be governed by the hearing procedures set forth in 10 CFR Part 2, Subparts C and L (10 CFR 2.300–.390, 2.1200–.1213).

2. *Matters To Be Considered.* In its August 6, 2004 Order (referred to above), the Board set forth the specific admitted contention which will be litigated in this contested hearing. In addition, as was indicated in the December 2003 notice regarding the EGC ESP application (68 FR at 69,426) and the applicable regulations in 10 CFR 52.21, the Licensing Board is to: (a) *Consider* whether issuance of an ESP will be inimical to the common defense and security or to the health and safety of the public (Safety Issue 1); (b) *determine* whether, taking into consideration the site criteria contained in 10 CFR Part 100, a reactor or reactors having characteristics that fall within the parameters for the site, can be constructed and operated without undue risk to the public health and safety (Safety Issue 2); and (c) *consider* whether in accordance with the requirements of 10 CFR Part 51, Subpart A, the ESP should be issued as proposed. Additionally, in accord with the December 2003 notice, the Board is to: (d) *Determine* whether the requirements of sections 102(2)(A), (C), and (E) of the National Environmental Policy Act of 1969 and 10 CFR Part 51, Subpart A, have been complied with in the proceeding; (e) independently *consider* the final balance among conflicting factors contained in the record of proceeding with a view to determining the appropriate action to be taken; and (f) *determine*, after considering reasonable alternatives,

whether a license should be issued, denied, or appropriately conditioned to protect environmental values.

3. *Hearing Procedures; Public Attendance.* During the course of the proceeding, the Board may conduct an oral argument, as provided in 10 CFR 2.331, may hold additional prehearing conferences pursuant to 10 CFR 2.329, and may conduct evidentiary hearings in accordance with 10 CFR 2.327–.328, 2.1206–.1208. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC Web site, [www.nrc.gov](http://www.nrc.gov).

4. *Limited Appearances.* As provided in 10 CFR 2.315(a), any person not a party to the proceeding may submit a written limited appearance statement. Limited appearance statements, which are placed in the docket for the hearing, provide members of the public with an opportunity to make the Board and/or the participants aware of their concerns about matters at issue in the proceeding. A written limited appearance statement can be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

*Mail to:* Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

*Fax to:* (301) 415–1101 (verification (301) 415–1966).

*E-mail to:* [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).

In addition, a copy of the limited appearance statement should be sent to the Licensing Board Chairman using the same method at the address below:

*Mail to:* Administrative Judge Paul B. Abramson, Atomic Safety and Licensing Board Panel, Mail Stop T–3F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

*Fax to:* (301) 415–5599 (verification (301) 415–7550).

*E-mail to:* [gpb@nrc.gov](mailto:gpb@nrc.gov).

At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the proposed EGC ESP. Notice of any oral limited appearance sessions will be published in the **Federal Register** and/or made available to the public at the NRC PDR and on the NRC Web site, [www.nrc.gov](http://www.nrc.gov).

5. *Document Availability.* Documents relating to this proceeding are available for public inspection at the Commission's PDR or electronically

from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html) (the Public Electronic Reading Room). 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, 301–415–4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

*It is so ordered.*

Dated: August 31, 2004 in Rockville, Maryland.

For the Atomic Safety and Licensing Board.\*

**Paul B. Abramson,**  
*Administrative Judge.*

[FR Doc. 04–20198 Filed 9–3–04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–344, License No. NPF–1; Docket No. 72–017, License No. SNM–2509]

### Portland General Electric Company; Notice of Consideration of Approval of Portland General Electric Company's Application for Consent for Indirect Transfer of Facility Licenses for the Trojan Nuclear Plant and Trojan Independent Spent Fuel Storage Installation and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering the issuance of an order under 10 CFR 50.80 and 72.50 approving the indirect transfer of Portland General Electric's (PGE's) licenses NPF–1 [for the Trojan Nuclear Plant (TNP)] and SNM–2509 [for the Trojan Independent Spent Fuel Storage Installation (ISFSI)] from Enron Corp. (Enron) to Oregon Electric Utility Company, LLC (OEUC).

In a letter dated June 14, 2004, Portland General Electric Company (PGE) requested NRC consent to the acquisition of all the issued and outstanding common shares of PGE stock by OEUC. PGE owns 67.5 percent interest in the TNP and the Trojan ISFSI. According to the application, on November 18, 2003, PGE's corporate parent Enron and OEUC entered into a definitive agreement (the Transaction) under which OEUC will acquire all of the issued, and outstanding, common shares of PGE stock and become the sole

\* Copies of this notice of hearing were sent this date by Internet e-mail transmission to counsel for (1) applicant EGC; (2) the Clinton Intervenor; and (3) the NRC staff.

owner of PGE. OEUC is an Oregon limited liability company formed for the sole purpose of holding the common stock ownership of PGE. PGE would continue to be the NRC licensee of TNP and the Trojan ISFSI. In its application, PGE states that no physical changes will be made to the TNP or the Trojan ISFSI as a result of the proposed indirect transfer of the TNP and Trojan ISFSI licenses. Further, PGE states that the proposed transfers will not involve any changes to the current TNP or Trojan ISFSI licensing bases.

Pursuant to 10 CFR 50.80 and 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Any person whose interest may be affected by the Commission's action on the application may request a hearing by November 15, 2004, and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309, and should address the considerations contained in 10 CFR 2.309(d) and (f). Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(I)-(viii).

Requests for a hearing and petitions for leave to intervene should be served upon Samuel Behrends IV, LeBouef, Lamb, Greene & McRae, 1875

Connecticut Ave., NW., Suite 1200, Washington, DC 20009 (*sbehrend@llgm.com*) and Jay E. Silberg, Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037 (*JaySilberg@shawpittman.com*); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: *ogclt@nrc.gov*; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.305.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by October 14, 2004, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 14, 2004, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession Nos. ML041700579, ML041700583, and ML041750439). 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, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated in Rockville, Maryland this 31st day of August, 2004.

For The Nuclear Regulatory Commission.

**Andrew Persinko,**

*Acting Deputy Director, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 04-20193 Filed 9-3-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-009-ESP and ASLBP No. 04-823-03-ESP]

### Atomic Safety and Licensing Board; In the Matter of System Energy Resources, Inc. (Early Site Permit for Grand Gulf ESP Site); Notice of Hearing (Application for Early Site Permit)

August 31, 2004.

Before Administrative Judges: G. Paul Bollwerk, III, Chairman; Dr. Paul B. Abramson; Dr. Anthony J. Baratta.

This proceeding concerns the October 16, 2003 application of System Energy Resources, Inc., (SERI) for a 10 CFR part 52 early site permit (ESP). The ESP application seeks approval of the site of the existing Grand Gulf nuclear power station in Claiborne County, Mississippi, for the possible construction of one or more new nuclear reactors. In response to a January 7, 2004 notice of hearing and opportunity to petition for leave to intervene regarding the SERI ESP application (69 FR 2636 (Jan. 16, 2004)), on February 12, 2004, the National Association for the Advancement of Colored People (Claiborne County, Mississippi Branch), Nuclear Information and Resource Service, Public Citizen, and the Mississippi Chapter of the Sierra Club (collectively Grand Gulf Petitioners) filed a request for hearing and petition to intervene contesting the SERI ESP application, which they supplemented on February 17, 2004. Subsequently, the petitions were referred by the Commission to the Atomic Safety and Licensing Board Panel to conduct any subsequent adjudication. (*See* CLI-04-08, 59 NRC 113, 118-19 (2004).) On March 22, 2004, a three-member Atomic Safety and Licensing Board was established to adjudicate this ESP proceeding. (*See* 69 FR 15,911 (Mar. 26, 2004).)

On June 21-22, 2004, the Board conducted a two-day initial prehearing conference at the NRC's Rockville, Maryland headquarters facility during which it heard oral presentations regarding the standing of the ESP petitioners and the admissibility of their seven proffered contentions. Thereafter,