

July 20, 2005

Mr. Robert M. Andersen
Leboeuf, Lamb, Greene & MacRae LLP
1875 Connecticut Ave., N.W.
Suite 1200
Washington, D.C. 20009-5728

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL REGARDING PROPOSED
CORPORATE RESTRUCTURING AND OPPORTUNITY FOR A HEARING -
[TROJAN INDEPENDENT SPENT FUEL STORAGE INSTALLATION] (TAC NO.
L23865)

Dear Mr. Andersen:

Enclosed is a copy of a "Notice of Consideration of Approval of Proposed Corporate Restructuring and Opportunity for a Hearing" related to the application dated June 30, 2005, filed by PacifiCorp Holdings, Inc. (PacifiCorp). The application (pursuant to 10 CFR 72.50) seeks approval of the proposed indirect transfer of the PacifiCorp Trojan Independent Spent Fuel Installation, NRC Special Nuclear Materials License No. SNM-2509 to MidAmerican Energy Holdings Company.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RAI

Christopher M. Regan, Senior Project Manager
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-17
TAC No. L23865

Enclosure: Federal Register Notice

cc: Mailing List

Chairman of the Board of County
Commissioners
Columbia County
St. Helens, OR 97501

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Mr. Lloyd K. Marbet
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Mr. Jerry Wilson
Do It Yourself Committee
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133 S.W. 2nd Avenue
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Douglas Nichols, Esq.
Vice President, General Counsel and Secretary
Portland General Electric Company
121 S.W. Salmon Street
Portland, OR 97204

Mr. Robert M. Andersen
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 Washington, D.C. 20009-5728

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL REGARDING PROPOSED CORPORATE RESTRUCTURING AND OPPORTUNITY FOR A HEARING - [TROJAN INDEPENDENT SPENT FUEL STORAGE INSTALLATION] (TAC NO. L23865)

Dear Mr. Andersen:

Enclosed is a copy of a "Notice of Consideration of Approval of Proposed Corporate Restructuring and Opportunity for a Hearing" related to the application dated June 30, 2005, filed by PacifiCorp Holdings, Inc. (PacifiCorp). The application (pursuant to 10 CFR 72.50) seeks approval of the proposed indirect transfer of the PacifiCorp Trojan Independent Spent Fuel Installation, NRC Special Nuclear Materials License No. SNM-2509 to MidAmerican Energy Holdings Company.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Christopher M. Regan, Senior Project Manager
 Licensing Section
 Spent Fuel Project Office
 Office of Nuclear Material Safety
 and Safeguards

Docket No. 72-17
 TAC No. L23865

Enclosure: Notice

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DATE	7 / 12 /05		7 / 13 /05		7 /20/05			

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UNITED STATES NUCLEAR REGULATORY COMMISSION
PORTLAND GENERAL ELECTRIC COMPANY
TROJAN NUCLEAR PLANT
INDEPENDENT SPENT FUEL STORAGE INSTALLATION
DOCKET NO 72-17
NOTICE OF CONSIDERATION OF
APPROVAL OF PROPOSED CORPORATE RESTRUCTURING
AND OPPORTUNITY FOR A HEARING

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of approval of proposed corporate restructuring and opportunity for hearing.

FOR FURTHER INFORMATION CONTACT: Christopher M. Regan, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 415-1179; fax number: (301) 415-1179; e-mail: cmr1@nrc.gov.

SUPPLEMENTARY INFORMATION:

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering the issuance of an order under 10 CFR 72.50 approving the indirect transfer of Special Nuclear Materials License No. (SNM) -2509 for the Trojan Independent Spent Fuel Storage Installation (ISFSI) currently held by PacifiCorp Holdings, Inc. (PacifiCorp) as minority owner and non-operating licensee of the Trojan ISFSI. The indirect transfer would be to MidAmerican Energy Holdings Company (MidAmerican).

The indirect transfer will occur in connection with the sale of PacifiCorp, a wholly-owned indirect subsidiary of Scottish Power plc, to NWQ, LLC, a Delaware limited liability corporation and a wholly-owned subsidiary of MidAmerican. PacifiCorp will continue to be a 2.5% non-operating licensee of the Trojan ISFSI and as such PacifiCorp's license is not being transferred to another party. Instead, under the transaction, MidAmerican will acquire all of the issued and outstanding common stock of PacifiCorp.

According to an application for approval filed by PacifiCorp, MidAmerican would acquire all of the issued and outstanding common stock of Pacificorp to the Trojan ISFSI following approval of the proposed indirect license transfer. No physical changes to the Trojan ISFSI or operational changes are being proposed in the application.

Pursuant to 10 CFR 72.50, no license, or any part included in the license issued under 10 CFR Part 72 for an ISFSI shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person unless the Commission gives its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any motion relevant to the license of an ISFSI which does no more than reflect the indirect transfer action involves no genuine issue as to whether the health and safety of the public will be significantly affected. No contrary determination has been made with respect to this specific application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to such determinations are being solicited.

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

Within 20 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of approval of the indirect transfer for the subject ISFSI operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible 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/doc-collections/cfr/](http://www.nrc.gov/reading-rm/doc-collections/cfr/). If a request for a hearing or petition for leave to intervene is filed within 20 days after the date of publication of this notice, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. As required by 10 CFR 2.309, 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 general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's

property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner/requestor is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include 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/requestor to relief. A petitioner/requestor who fails to satisfy 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. Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii). A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland

20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415-3725 or by e-mail to OGCMailCenter@nrc.gov. Requests for a hearing and petitions for leave to intervene should be served upon Douglas L. Anderson and Jon A. Andreasen of MidAmerican Energy Holdings Company, 666 Grand Avenue, Des Moines, Iowa, 50303; M. Douglas Dunn, Steven M Kramer, and Carla J. Urquhart of Milbank, Tweed, Hadley & McCloy L.L.P., 1 Chase Manhattan Plaza, New York, New York, 10005, ph.: (212) 530-5000; Jeffery B. Erb of PacifiCorp, Suite 1900, 825 N.E. Multnomah, Portland, Oregon, 97232; and Sam Behrends IV and Robert M. Andersen of LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Avenue, N.W., Suite 1200, Washington, D.C., 20009-5728, ph.: (202) 986-8000, facsimile: (202)986-8102.

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 **[insert date 30 days from date of publication]**, 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, D.C., 20555-0001, Attention: Rulemakings and

Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

FURTHER INFORMATION:

For further details with respect to this action, see the application dated June 30, 2005, 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>. 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.

Dated at Rockville, Maryland this 20th day of July 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Christopher M. Regan, Senior Project Manager
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

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/RA/

Christopher M. Regan, Senior Project Manager
 Licensing Section
 Spent Fuel Project Office
 Office of Nuclear Material Safety
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*See Previous Concurrence

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NAME:	CMRegan*		TFredericks*		EZiegler*		STreby*		MMarkley [Acting]	
DATE:	7/ 12 /05		7/ 12 /05		7/ 13 /05		7/15 /05		7/20/05	

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