

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 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 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 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.

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.

Nontimely 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(c)(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](mailto: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](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Michael G. Green, Senior Regulatory Counsel, Pinnacle West Capital Corporation, P.O. Box 52034, Mail Station 8695, Phoenix, Arizona 85072-2034, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated September 26, 2006, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the 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](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 28th day of September 2006.

For the Nuclear Regulatory Commission.

**Mel B. Fields,**

*Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361 and 50-362; License Nos. NPF-10 and NPF-15]

### In the Matter of Southern California Edison Company the City of Anaheim, CA; San Onofre Nuclear Generating Station, Units 2 and 3; Order Approving Transfer of Licenses and Conforming Amendments

#### I.

Southern California Edison Company (SCE), San Diego Gas and Electric Company (SDG&E), the City of Riverside, California (Riverside), and the City of Anaheim, California (Anaheim), are the owners of San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS 2 and 3), located in San Diego County, California. With respect to their ownership, they co-hold the Facility Operating Licenses Nos. NPF-10 and NPF-15, for SONGS 2 and 3. SCE is authorized to act as agent for the other co-owners and has exclusive responsibility and control under the licenses over the physical construction, operation, and maintenance of the facility.

#### II.

By application dated March 10, 2006, as supplemented May 16, 2006, SCE, acting on behalf of itself and Anaheim, requested pursuant to Title 10, Section 50.80 of the Code of Federal Regulations (10 CFR 50.80), that the Nuclear Regulatory Commission (NRC) consent to certain license transfers to permit the transfer of Anaheim's 3.16-percent undivided ownership interest in SONGS 2 and 3 to SCE, excluding Anaheim's interest in its spent fuel and in the SONGS 2 and 3 independent spent fuel storage installation (ISFSI). The initial application and the supplement are hereinafter referred to as "the application" unless otherwise indicated. SCE also requested, pursuant 10 CFR 50.90, approval of conforming license amendments to reflect the transfer. The conforming license amendments would address Anaheim's transfer of its above stated ownership interests in the facility. Anaheim will retain its ownership interests in its spent nuclear fuel and the facility's ISFSI located on the facility's site, and financial responsibility for its spent fuel and a portion of the facility's decommissioning costs. Anaheim proposes to remain a licensee for the purposes of its retained interests and liabilities.

Notice of consideration of approval of the transfer of the Facility Operating

Licenses and conforming amendments and an opportunity for a hearing was published in the **Federal Register** on June 8, 2006 (71 FR 33321). No hearing requests or written comments were received.

Pursuant to 10 CFR 50.80, 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. After reviewing the information in SCE's application and other information before the Commission, and relying upon the representations and agreements contained in the application, the NRC staff has determined that SCE is qualified to hold the licenses to the extent proposed to permit the transfer of Anaheim's 3.16-percent undivided ownership interest in SONGS 2 and 3 to SCE, excluding Anaheim's interest in its spent fuel and in the SONGS 2 and 3 ISFSI, as previously described herein, and that the transfer of the licenses is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendments complies with the standards and requirements of the Atomic Energy Act (AEA) of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or the health and safety of the public; and the issuance of the proposed amendments will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied. The foregoing findings are supported by a safety evaluation dated September 27, 2006.

### III.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the AEA of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234, and 10 CFR 50.80, *It is hereby ordered* that the transfer of the licenses to SCE, as described herein, is

approved, subject to the following conditions:

After receipt of all required regulatory approvals of the transfer of Anaheim's 3.16-percent undivided ownership interest in SONGS 2 and 3 to SCE, excluding Anaheim's interest in its spent fuel and in the SONGS 2 and 3 ISFSI, as previously described herein, SCE shall inform the Director, Office of Nuclear Reactor Regulation, in writing of such receipt, within 5 business days, and of the date of the closing of the transfer no later than 7 business days before the date of closing. If the transfer is not completed by September 27, 2007, this Order shall become null and void, provided however, that upon written application and for good cause shown, such date may be extended in writing.

*It is further ordered* that consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the licenses to reflect the subject license transfers are approved. The amendments shall be issued and made effective at the time the proposed transfers are completed.

This Order is effective upon issuance.

For further details with respect to this action, see the initial application dated March 10, 2006, the supplemental submittal dated May 16, 2006, and the safety evaluation dated September 27, 2006, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet on the NRC's 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 document located in ADAMS, should contact the Office of Nuclear Reactor Regulation 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 at Rockville, Maryland, this 27th day of September 2006.

For the Nuclear Regulatory Commission.

**J. E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-16446 Filed 10-4-06; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-011]

### **Southern Nuclear Operating Company, Inc., Vogtle ESP Site; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process**

Southern Nuclear Operating Corporation (SNC) has submitted an application for an early site permit (ESP) for its Vogtle ESP site, located on the west bank of the Savannah River in eastern Burke County, in east-central Georgia. The site is approximately 100 miles northwest of Savannah, Georgia, and approximately 26 miles southeast of Augusta, Georgia, and across the river from the U.S. Department of Energy's Savannah River Site (Barnwell County, South Carolina). The application for the ESP was submitted by letter dated August 15, 2006, pursuant to 10 CFR Part 52. A notice of receipt of application, including the environmental report (ER), was published in the **Federal Register** on August 29, 2006 (71 FR 51222). A notice of acceptance for docketing of the application for an early site permit for Vogtle was published in the **Federal Register** on September 26, 2006 (71 FR 56187). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the ESP application and to provide the public with an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 52.17 (a)(2), 51.45 and 51.50, SERI submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and 52 and is available for public inspection at the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Electronic Reading Room (ERR) link. Persons who do not