

wishes to make an oral statement. Based on its review of the requests received by June 20, 2006, the Licensing Board reserves the right to cancel or shorten any of the sessions (Monday evening, Tuesday morning or Tuesday afternoon) due to a lack of adequate public interest.

Written requests to make an oral statement should be submitted to:

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

Fax: (301) 415-1101 (verification) (301) 415-1966).

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

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Alex S. Karlin, Chairman, c/o: Jonathan Rund, Esq., Law Clerk, Atomic Safety and Licensing Board Panel, Mail Stop T-3 E2C, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Fax: (301) 415-5599 (verification) (301) 415-6094).

E-mail: [jmr3@nrc.gov](mailto:jmr3@nrc.gov) and [ksv@nrc.gov](mailto:ksv@nrc.gov).

#### D. Written Limited Appearance Statements (In Lieu of Oral Statements)

A written limited appearance statement may be submitted to the Board regarding this proceeding at any time. Such statements should be sent to the Office of the Secretary using the methods prescribed above, with a copy to the Licensing Board Chairman. A person who has already filed a written limited appearance statement in this matter<sup>7</sup> is not required to resubmit it, but should notify the Board, as specified above, if he or she wishes to make an oral statement during the June sessions.

### III. Notice of Evidentiary Hearing

In addition to the oral limited appearance statement sessions discussed above, the public is notified that this Board subsequently will conduct an evidentiary hearing on the four contentions admitted in this proceeding. The hearing will be governed by the "Informal Hearing Procedures" set forth in 10 CFR part, subparts C and L, see 10 CFR 2.300-2.390., 2.1200-2.1213, and is scheduled to take place during the weeks of September 11, and October 16, 2006. Although the precise dates and locations of the evidentiary hearings are yet to be determined, it is the

<sup>7</sup> See Licensing Board Memorandum and Order (Scheduling Prehearing Conference Call and Oral Argument) at 2-3 (October 1, 2004) (unpublished).

Commission's policy and practice to hold them in the general vicinity of the site of the nuclear facility that is the subject of the proceeding, so that members of the public may attend.<sup>8</sup> See 10 CFR 2.328-2.329, 2.331. However, it appears that some of the contentions in this proceeding involve some proprietary commercial information, which would require that those portions of the evidentiary hearing be closed to the general public, with only the authorized parties able to attend.<sup>9</sup> The current plan is to hold the evidentiary hearings in Vermont, if possible, except for those portions of the proceeding that may need to be closed to the public, which may be held at NRC Headquarters in Rockville, Maryland. The Board will issue a subsequent order establishing the exact dates, times, and locations for the evidentiary hearing and copies of these rulings will be 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, <http://www.nrc.gov>.

### IV. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room or electronically from the publicly available records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <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 (800) 397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

### V. Scheduling Information Updates

Any updated/revised scheduling information regarding the evidentiary hearing and limited appearance sessions can be found on the NRC Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm> or by calling (800) 368-5642, extension 5036, or (301) 415-5036.

<sup>8</sup> See *Exelon Generation Co., LLC* (Early Site Permit for Clinton ESP Site), Licensing Board Memorandum and Order (Denying Motion Requesting Reconsideration of Initial Prehearing Conference Location) at 2-3 (April 5, 2004) (unpublished); 10 CFR part 2, Appendix A, § I(a) (2004), *deleted* Final Rule, *Changes to Adjudicatory Process*, 69 FR 2182, 2274 (January 14, 2004).

<sup>9</sup> In accordance with 10 CFR 2.390, portions of a hearing may be closed to the public if the matters at issue involve the discussion of confidential or legally protected information.

It is so ordered.

Dated at Rockville, Maryland, April 10, 2006.

For the Atomic Safety and Licensing Board.<sup>10</sup>

Alex S. Karlin,

Chairman, Administrative Judge.

[FR Doc. E6-5582 Filed 4-13-06; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323]

### Pacific Gas and Electric Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to the Facility Operating Licenses Nos. DPR-80 and DPR-82, issued to Pacific Gas and Electric Company (PG&E/the licensee) for operation of the Diablo Canyon Power Plant, Units 1 and 2 (DCPP) located in San Luis Obispo County, California.

The proposed amendments would delete Section 2F, "Antitrust" and Appendix C, "Antitrust Conditions," from the facility operating licenses. According to the application, the antitrust license conditions impose what are known as the "Stanislaus Commitments," which were derived from the licensing process for the proposed, but never completed, Stanislaus Nuclear Plant. The licensee indicates that, as reflected in a 2003 Commission decision (which subsequently was vacated), it appears to PG&E that there is no legal authority in the Atomic Energy Act of 1954, as amended (AEA or Act), or in the Nuclear Regulatory Commission's (NRC's) regulations, for the NRC to continue to impose these conditions absent PG&E's consent. Moreover, in light of changes in the electric industry, NRC imposition of these conditions and the prospect of NRC enforcement of these conditions are no longer necessary to serve their original intended purpose.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

<sup>10</sup> Copies of this order were sent this date by Internet e-mail transmission to the representatives for (1) licensees Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc.; (2) intervenors Vermont Department of Public Service and New England Coalition of Brattleboro, Vermont; and (3) the Staff.

(the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), § 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

*Response:* No.

The proposed amendments are administrative changes that do not involve a significant increase in the probability or consequences of an accident previously evaluated because the amendments do not involve any change in the design, configuration, or operation of the plant. All limiting conditions for operation, limiting safety system settings and safety limits specified in the technical specifications (TS) remain unchanged.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

*Response:* No.

The proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated because:

- The amendments do not involve any change in the design, configuration, or operation of the plant. The current plant design and design bases will remain the same. The current plant safety analyses remain complete and accurate in addressing the design basis events and in analyzing plant response and consequences.

- The limiting conditions for operations, limiting safety system settings and safety limits specified in TS are not affected by the change.

- The amendments do not introduce a new mode of plant operation or new accident precursors, do not involve any physical alterations to plant configurations, or make changes to system set points that could initiate a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

*Response:* No.

The proposed amendments do not involve a significant reduction in a margin of safety because:

- The amendments do not involve any change in the design, configuration, or operation of the plant. The change does not affect either the way in which the plant structures, systems, and components perform their safety function or their design and licensing bases.

- The amendments do not affect plant safety margins that are established through limiting conditions for operation, limiting safety system settings and safety limits specified in TS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendments before expiration of the 60-day period provided that its final determination is that the amendments involve no significant hazards consideration. In addition, the Commission may issue the amendments prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–

0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 or 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 for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 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/>. If a request for a hearing or petition for leave to intervene is filed by the above date, 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 requestor's/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 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 amendments 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 amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments. 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 amendments.

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 or petition for leave to intervene should also be sent to Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120, the attorney for the licensee.

For further details with respect to this action, see the application for amendments dated January 19, 2006, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 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/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 24th day of February 2006.

For the Nuclear Regulatory Commission.

**Alan B. Wang,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361 and 50-362]

### **Southern California Edison Company and San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California, San Onofre Nuclear Generating Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G for Facility Operating License No. NPF-10 and NPF-15, issued to Southern California Edison (the licensee), for operation of the San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS 2 and 3), located in San Diego County, California. Therefore, as provided by 10 CFR 51.21 and 51.33, the NRC is issuing this environmental assessment and finding of no significant impact.

### **Environmental Assessment**

#### *Identification of the Proposed Action*

By letter dated January 28, 2005, the licensee submitted a license amendment request where, among other changes, the licensee requested the use of an alternate methodology for calculating the stress intensity factor  $K_{Im}$  due to internal pressure loading. As required by the safety evaluation on topical report Combustion Engineering (CE) Topical Report NPSD-683-A, Revision 6, dated March 16, 2001, the licensee, by its supplement dated January 12, 2006, included a request for an exemption from the requirements of 10 CFR Part 50, Appendix G for pressure temperature (P-T) limits since the alternate methodology applies the CE Nuclear Steam Supply System method for calculating  $K_{Im}$  stress intensity values.

The proposed action would exempt the licensee from certain requirements of Appendix G to 10 CFR Part 50 to allow the application of the methodology in CE NPSD-683-A, Revision 6, "The Development of a RCS [Reactor Coolant System] Pressure and Temperature Limits Report for the