date, the NRC, or a presiding officer designated by the NRC or by the Chairman of the Atomic Safety and Licensing Board Panel, which may include a single administrative judge with or without technical assistants or a three-judge panel, will rule on the request; and the designated presiding officer will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.1205, a hearing request shall set forth with particularity the interest of the requestor in the proceeding, and how that interest may be affected by the results of the proceeding. Here, as an initial matter, any person requesting a hearing on the CAR will have to establish in their request for hearing that their interests could be affected if the CAR is approved, and the MOX fuel fabrication facility is built at the proposed site in South Carolina. This requirement to establish standing is applicable in any NRC adjudicatory proceeding. Those requesting a hearing on the CAR should refer to the provisions stated in 10 CFR 2.1205(e) and 2.1205(h) for further information regarding the requirements to establish standing. Before ruling on other matters, the presiding officer will determine whether petitioners have established standing. Additional information pertaining to any NRC hearing which may be held regarding the DCS request for construction authority is provided below.

A. Contentions

Any petitioner who establishes standing to participate would also be required to submit contentions, which the presiding officer would evaluate using the standards set forth in 10 CFR 2.714(b)(2). The Subpart L requirements pertaining to areas of concern (*see, e.g.,* 10 CFR 2.1205(e)(3); and 2.1205(h)) will *not* be applicable.

Petitioners will be required to submit contentions within 50 days of the date a presiding officer is appointed, and will have the burden of showing that the contentions are admissible. In this regard, contentions are expected to focus on the CAR, the December 2000 environmental report, and/or the January 2001 quality assurance plan submitted by DCS. Petitioners will not be permitted to wait for the NRC staff to issue its safety evaluation report or environmental impact statement before formulating contentions. As indicated above, the CAR available for public review is the non-proprietary version, and does not include information pertaining to safeguards, and other financial and commercial information considered proprietary. Access to the proprietary version of the CAR, for purposes of submitting any contentions based on withheld information, will be subject to later determination by the presiding officer, after rulings on standing are made.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of 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. The petitioner 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 petitioner must provide sufficient information to show that a genuine dispute exists with DCS on a material issue of law or fact.[1] Contentions shall be limited to matters within the scope of the DCS application for authority to construct a MOX fuel fabrication facility. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file at least one contention which satisfies these requirements will not be permitted to participate as a party.

B. Discovery

In the event one or more contentions are admitted, limited discovery (by deposition, interrogatory, or both) from non-NRC sources pertaining to admitted contentions will be permitted. Such discovery would be governed by 10 CFR 2.740a(a)–(i), and 2.740b. Discovery regarding documents should not be necessary, given the inclusiveness of the hearing file requirements of 10 CFR 2.1231(b–c). In ruling on any discovery matters, the presiding officer would use the standards of 10 CFR 2.740. Thus, the provisions of 10 CFR 2.1231(d) prohibiting any discovery in 10 CFR part 2, Subpart L proceedings, will not be applicable. Formal discovery against the Staff, pursuant to 10 CFR 2.720(h) and 2.740, will be suspended until after issuance of the required final Safety Evaluation Report (SER) and the Final Environmental Impact Statement (EIS).

[1] ''[A]t the contention filing stage[,] the factual support necessary to show that a genuine dispute exists need not be in affidavit or formal evidentiary form and need not be of the quality necessary to withstand a summary disposition motion.'' Statement of Policy on Conduct of Adjudicatory Proceedings, CLI–98–12, 48 NRC 18, 22 n.1 (1998) (citing Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the Hearing Process, Final Rule, 54 Fed. Reg. 33,168, 33,171 (August 11, 1989).

C. Written and Oral Presentations

Following discovery on any admitted contentions, and after the final SER and EIS are issued, the parties would simultaneously submit their written presentations, pursuant to 10 CFR 2.1233. Any expert testimony on which a party relies would have to be included as part of the written presentation. The parties would then file simultaneous responses to the written presentations. In submitting written presentations, or responses to written presentations, any party wishing to present expert testimony will be required to do so by affidavit, using a question and answer format in the form of a direct examination. Any party presenting such testimony would be required to make the expert available, in person, for questioning by the presiding officer, as determined necessary by the presiding officer. It is anticipated that the presiding officer may conduct oral presentations to supplement the written hearing record previously developed. The parties will be able to submit to the presiding officer proposed questions to be addressed to the expert witnesses by the presiding officer at the oral presentations.

Dated at Rockville, Maryland, this 12th day of April 2001.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 01–9619 Filed 4–17–01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company; Notice of Consideration of Issuance and Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. NPF–10 and NPF–15 issued to the Southern California Edison Company (the licensee) for operation of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, respectively, located in San Diego County, California.

The proposed amendment would change the operating license and Technical Specifications for SONGS Units 2 and 3 to reflect an increase in the licensed core power level to 3438 megawatts (thermal), 1.42% greater than the current level.

Before issuance of the proposed license amendment, the Commission

will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 18, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in a proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, 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 factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of 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 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. Petitioner must provide 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 who fails to file such a supplement which satisfies 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, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 3, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 12th day of April 2001.

For the Nuclear Regulatory Commission.

L. Raghavan,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 72–36]

Southern Nuclear Operating Company Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.48 to Southern Nuclear Operating Company (SNC). The requested exemption would allow SNC to implement the amended 10 CFR 72.48 requirements on June 1, 2001, for the Independent Spent Fuel Storage Installation (ISFSI) at the Edwin I. Hatch Nuclear Plant (HNP) in Appling County, Georgia.

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated February 9, 2001, SNC requested a scheduler exemption from the implementation date of April 5, 2001, for the revised 10 CFR 72.48. SNC plans to implement its revised 10 CFR 50.59 and 10 CFR 72.48 programs simultaneously. The planned date for