

in an August 6, 2004 issuance the Board noted that although the petitioners had established the requisite standing to intervene in this proceeding, they had failed to submit at least one admissible contention concerning the SERI ESP application so that none of them can be admitted as a party to this proceeding. (*System Energy Resources, Inc.* (Early Site Permit for Grand Gulf ESP Site), LBP-04-19, 60 NRC—(Aug. 6, 2004).)

Although this proceeding is now uncontested, as was indicated in the January 2004 notice regarding the SERI ESP application, 69 Fed. Reg. at 2636, and in accordance with the agency's regulations in 10 CFR part 52, the Licensing Board is to determine if (1) The application and the record of the proceeding contain sufficient information and the review of the application by the NRC staff has been adequate to support a negative finding on the issue of 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); (2) an affirmative finding can be made on the issue of 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 (3) the review conducted by the Commission pursuant to the National Environmental Policy Act of 1969 (NEPA) has been adequate. Additionally, in accord with the January 2004 notice, the Board is to (1) Determine whether the requirements of NEPA sections 102(2)(A), (C), and (E) and 10 CFR part 51, subpart A, have been complied with in the proceeding; (2) 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 (3) determine, after considering reasonable alternatives, whether a license should be issued, denied, or appropriately conditioned to protect environmental values.

This proceeding will be conducted in accordance with the procedures in 10 CFR part 2, Subparts C and L (10 CFR 2.300–.390, 2.1200–.1213). 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, 2.1207. 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, <http://www.nrc.gov>.

Additionally, 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 G. Paul Bollwerk, III, 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 Grand Gulf ESP site. 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, <http://www.nrc.gov>.

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.\*

**G. Paul Bollwerk, III,**  
*Administrative Judge.*

[FR Doc. 04–20199 Filed 9–3–04; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–368]

### Entergy Operations, Inc., Arkansas Nuclear One, Unit 2; Notice of Availability of the Draft Supplement 19 to the Generic Environmental Impact Statement and Public Meeting for the License Renewal of Arkansas Nuclear One, Unit 2

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has published a draft plant-specific supplement to the Generic Environmental Impact Statement (GEIS), NUREG–1437, regarding the renewal of operating license NPF–6 for an additional 20 years of operation at Arkansas Nuclear One, Unit 2 (ANO–2). ANO–2 is located in Pope County, Arkansas, approximately 6 miles west-northwest of Russellville, Arkansas. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The draft Supplement to the GEIS is available for public inspection in 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 (PARS) 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 PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). In addition, the Ross Pendergraft Library at Arkansas Tech University, 305 West Q Street, Russellville, Arkansas, 72801, has agreed to make the draft plant-specific supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC

\* Copies of this notice of hearing were sent this date by Internet e-mail transmission to counsel for (1) Applicant SERI; (2) the Grand Gulf Petitioners; and (3) the NRC staff.

staff. To be certain of consideration, comments on the draft supplement to the GEIS and the proposed action must be received by November 24, 2004. Comments received after the due date will be considered if it is practical to do so, but the NRC staff is able to assure consideration only for comments received on or before this date. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Room T-6D59, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Electronic comments may be submitted to the NRC by e-mail at [ANOEIS@nrc.gov](mailto:ANOEIS@nrc.gov). All comments received by the Commission, including those made by Federal, State, and local agencies, Native American Tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland, and from the PARS component of ADAMS.

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held on October 21, 2004, at the Holiday Inn, 2407 N. Arkansas Avenue, Russellville, Arkansas. The meeting will commence at 7 p.m. and will continue until 10 p.m. It will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour before the start of the meeting at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed below. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. Thomas Kenyon by telephone at 1-800-368-5642, extension 1120, or by e-mail at [ANOEIS@nrc.gov](mailto:ANOEIS@nrc.gov) no later than October 15, 2004. Members of the public may also register within 15 minutes of the start of the session to provide oral comments. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or

accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Kenyon's attention no later than October 15, 2004, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Kenyon, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Mr. Kenyon may be contacted at the aforementioned telephone number or e-mail address.

Dated in Rockville, Maryland, this 30th day of August, 2004.

For the Nuclear Regulatory Commission.

**Samson S. Lee,**

*Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-20192 Filed 9-3-04; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-390]

**Tennessee Valley Authority; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Tennessee Valley Authority (the licensee) to withdraw its April 7, 2004, application for proposed amendment to Facility Operating License No. NPF-90 for the Watts Bar Nuclear Plant (WBN), Unit 1, located in Rhea County, Tennessee.

The proposed amendment would have revised the WBN Unit 1, Technical Specification (TS) 3.7.9, "Ultimate Heat Sink (UHS)" Surveillance Requirement and TS 5.7 "Procedures, Programs and Manuals."

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on April 27, 2004 (69 FR 22884). However, by electronic mail dated August 9, 2004, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated April 7, 2004, and the licensee's electronic mail dated August 9, 2004, which withdrew the application for license amendment. 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 O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (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, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 27th day of August 2004.

For the Nuclear Regulatory Commission.

**Manny M. Comar,**

*Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-20194 Filed 9-3-04; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

**State of Utah: Discontinuance of Certain Commission Regulatory Authority Within the State; Notice of Amendment to Agreement Between the Nuclear Regulatory Commission and the State of Utah**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of amendment to the agreement between NRC and the state of Utah.

**SUMMARY:** This notice is announcing that on August 10, 2004, Dr. Nils J. Diaz, Chairman of the U.S. Nuclear Regulatory Commission (NRC) and on August 16, 2004, Governor Olene S. Walker of the State of Utah signed an amendment to the Agreement between the NRC and the State of Utah as authorized by section 274b of the Atomic Energy Act of 1954, as amended (Act). The amendment to the Agreement became effective on August 16, 2004. The amendment to the Agreement provides for the Commission to discontinue its regulatory authority and for Utah to assume regulatory authority over the possession and use of byproduct material as defined in section 11e.(2) of the Act. Under the amendment to the Agreement, a person in Utah possessing this material is exempt from certain Commission regulations. The exemptions have been