

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requester 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 requester or petitioner; (2) the nature of the requester's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requester'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 requester's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requester 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/requester 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 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/requester to relief. A petitioner/requester who fails to file such a petition/request that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

If two or more requesters/petitioners seek to co-sponsor a contention, the requesters/petitioners shall jointly designate a representative who shall have the authority to act for the requesters/petitioners with respect to that contention. If a requester/petitioner seeks to adopt the contention of another sponsoring requester/petitioner, the requester/petitioner who seeks to adopt the contention must either agree that the sponsoring requester/petitioner shall act as the representative with respect to that

contention or jointly designate with the sponsoring requester/petitioner a representative who shall have the authority to act for the requesters/petitioners with respect to that contention.

Each contention should be given a separate numeric or alpha designation within one of the following groups: (1) Technical (primarily related to safety concerns); (2) environmental; or (3) miscellaneous.

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.

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 email 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 the attorney for the licensee, Jonathan Rogoff, Vice President Counsel and Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

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(a)(1)(i)-(viii).

For further details with respect to this action, see the application for amendment dated January 29, 2004,

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 2004.

For the Nuclear Regulatory Commission.

**Darl S. Hood,**

*Senior Project Manager, Section I, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. E4-433 Filed 2-27-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-498 and 50-499]

### STP Nuclear Operating Company, et al.; South Texas Project, Units 1 and 2; Notice of Withdrawal of Application Regarding Proposed Corporate Restructuring

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of STP Nuclear Operating Company (the licensee) to withdraw the September 29, 2003, application for an order under section 50.80 of Title 10 of the Code of Federal Regulations (10 CFR) approving the indirect transfer of Facility Operating Licenses Nos. NPF-76 and NPF-80 for South Texas Project (STP), Units 1 and 2, respectively, to the extent held by Texas Genco, LP (Texas Genco). STP, Units 1 and 2, are located in Matagorda County, Texas.

The Commission had previously issued a Notice of Consideration of Approval of Application and Opportunity for a Hearing in the **Federal Register** on November 5, 2003 (68 FR 62641). However, by letter dated January 29, 2004, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 29, 2003, and the licensee's withdrawal letter dated January 29, 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 O1 F21, 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 email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 13th day of February, 2004.

For the Nuclear Regulatory Commission.

**William D. Reckley,**

*Acting Chief, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. E4-431 Filed 2-27-04; 8:45 am]

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## PRESIDIO TRUST

### Public Health Service Hospital, The Presidio of San Francisco (Presidio), CA; Notice of Availability of Environmental Assessment and Scheduling of Public Comment Period

**ACTION:** The Presidio Trust (Trust) announces the availability for review of the Environmental Assessment (EA) for the Public Health Service Hospital (PHSH) project and the scheduling of a review period for the public to provide comment on the PHSH EA. The EA, prepared in accordance with the provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), evaluates the environmental impacts of rehabilitating and reusing historic buildings in the PHSH district of the Presidio. The Trust is inviting public review and comment on the PHSH EA until April 30, 2004. Public scoping comments were solicited as noticed in the **Federal Register** on September 9, 2003 (68 FR 53205-6) and again on November 12, 2003 (68 FR 64151-2).

*Materials Available to the Public:* The PHSH EA is being provided to agencies, organizations and individuals who have expressed an interest in the NEPA process for the PHSH project. The EA may be viewed at or downloaded from the Trust's Web site at <http://www.presidio.gov>, following the link

from the home page. A printed copy may be requested at no charge at 415/561-5414 or [phsh@presidiotrust.gov](mailto:phsh@presidiotrust.gov), or by writing the Presidio Trust, P.O. Box 29052, San Francisco, CA 94129-0052. The EA may also be reviewed in the Trust's library on the Presidio at 34 Graham Street, San Francisco, CA.

*Public Review and Comment Period:* Before finalizing the PHSH EA, the Trust invites the interested public to review the document and provide comment. Written comments may be submitted to John Pelka, NEPA Compliance Coordinator at 415/561-2790 (fax), [phsh@presidiotrust.gov](mailto:phsh@presidiotrust.gov), or the address below, and must be transmitted or delivered no later than April 30, 2004. Please be aware that all written comments and information submitted will be made available to the public, including, without limitation, any postal address, e-mail address, phone number or other information contained in each submission.

Additional public notice in the **Federal Register**, on the Trust's Web site and/or in written newsletters to those on the Trust's public mailing list will announce the date, location and details of a hearing for the public to provide oral comment on the PHSH EA. Following the close of the public review period on April 30, 2004, the Trust will consider and respond to any written or oral comments in the final PHSH EA.

**FOR FURTHER INFORMATION CONTACT:** John Pelka, NEPA Compliance Coordinator, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052, 415/561-5300.

Dated: February 24, 2004.

**Karen A. Cook,**

*General Counsel.*

[FR Doc. 04-4449 Filed 2-27-04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49295; File No. SR-Amex-2004-06]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendments No. 1 and 2 by the American Stock Exchange LLC Relating to Small Business Issuers

February 23, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January

21, 2004, the American Stock Exchange LLC (the "Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Amex. On January 30, 2004, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On February 12, 2004, the Exchange filed Amendment No. 2 to the proposed rule change.<sup>4</sup> Amex has filed the proposed rule change as a "non-controversial" rule change under Rule 19b-4(f)(6) under the Act,<sup>5</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to make technical amendments to the Exchange's recently approved enhanced corporate governance requirements to: (i) Amend sections 121A, 121B(2)(c), 802(a), and 809(b) of the Amex *Company Guide* to reference small business issuers rather than small business filers, and (ii) insert in section 809 of the Amex *Company Guide* the date of Commission approval and certain effective dates based on the date of approval. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in brackets.

\* \* \* \* \*

American Stock Exchange Company Guide

Section 121. INDEPENDENT DIRECTORS AND AUDIT COMMITTEE

A. Independent Director

Each listed company must have a sufficient number of independent directors on its Board of Directors (1) such that at least a majority of such directors are independent directors (subject to the exceptions set forth in section 801 and, with respect to small business [filers] *issuers*, section 121B(2)(c)), and (2) to satisfy the audit committee requirement set forth below. "Independent director" means a person other than an officer or employee of the

<sup>3</sup> See Letter from Claudia Crowley, Vice President, Listing Qualifications, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated January 29, 2004.

<sup>4</sup> See Letter from Claudia Crowley, Vice President, Listing Qualifications, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated February 11, 2004.

<sup>5</sup> 17 CFR 240.19b-4(f)(6).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.