

Dated at Rockville, Maryland, this 5th day of August 2004.

For the Nuclear Regulatory Commission.

Chad Glenn,

Project Manager, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 04-18312 Filed 8-10-04; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-220 and 50-410]

Constellation Energy Group; Nine Mile Point Nuclear Station, Units 1 and 2; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Constellation Energy Group, Inc., (Constellation) has submitted applications for renewal of Facility Operating Licenses, DPR-63 and NPF-69 for an additional 20 years of operation at the Nine Mile Point Nuclear Station, Units 1 and 2 (NMP). NMP is located on the southeastern shore of Lake Ontario in the town of Scriba, Oswego County, New York. The operating licenses for NMP, Units 1 and 2, expire on August 22, 2009, and October 31, 2026, respectively. The applications for renewal were received on May 26, 2004, pursuant to Title 10 of the Code of Federal Regulations Part 54 (10 CFR). A notice of receipt and availability of the applications, which included the environmental report (ER), was published in the **Federal Register** on June 8, 2004 (69 FR 32069). A notice of acceptance for docketing of the applications for renewal of the facility operating license was published in the **Federal Register** on July 21, 2004, (69 FR 43631). 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 license renewal applications and to provide the public 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 51.53(c) and 10 CFR 54.23, Constellation submitted the ER as part of the applications. The ER was prepared pursuant to 10 CFR Part 51 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 link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to pdr@nrc.gov. The applications may also be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>. In addition, the Penfield Library, located at State University of New York, Oswego, NY 13126, has agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," (NUREG-1437) in support of the review of the applications for renewal of the NMP operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act of 1969 (NEPA) and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

- Define the proposed action which is to be the subject of the supplement to the GEIS.
- Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.
- Identify and eliminate from detailed study those issues that are peripheral or that are not significant.
- Identify any environmental assessments and other EISs that are

being or will be prepared that are related to, but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Constellation Energy Group.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the NMP license renewal supplement to the GEIS. The scoping meetings will be held at the Town of Scriba Conference Room, 42 Creamery Road, Oswego, New York 13126, on Tuesday, September 21, 2004. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review

schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour before the start of each session at the Town of Scriba Conference Room. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting Ms. Leslie Fields, by telephone at 1-800-368-5642, extension 1186, or by Internet to the NRC at NineMilePointEIS@nrc.gov no later than September 17, 2004. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Ms. Fields will need to be contacted no later than September 17, 2004, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the NMP license renewal review 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, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the U.S. Nuclear Regulatory Commission, Room T-6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, 20852-2738 from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by October 11, 2004. Electronic comments may be sent by the Internet to the NRC at NineMilePointEIS@nrc.gov and should be sent no later than October 11, 2004, to be considered in the scoping process. Comments will be available

electronically and accessible through ADAMS at <http://www.nrc.gov/reading-rm/adams.html>.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal applications was the subject of the aforementioned **Federal Register** notice (69 FR 43631). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS at <http://www.nrc.gov/reading-rm/adams.html>. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Ms. Fields at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 2nd day of August 2004.

For the Nuclear Regulatory Commission.

Pao-Tsin Kuo,

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

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SECURITIES AND EXCHANGE COMMISSION

[File No. 22-28742]

Application and Opportunity for Hearing: NationsRent Companies, Inc.

August 5, 2004.

The Securities and Exchange Commission gives notice that NationsRent Companies, Inc. has filed an application under section 304(d) of the Trust Indenture Act of 1939. NationsRent Companies asks the

Commission to exempt from the certificate or opinion delivery requirements of section 314(d) of the 1939 Act certain provisions of an indenture dated October 23, 2003, as supplemented by the first supplement, dated as of July 27, 2004, to the indenture dated as of October 23, 2003, between NationsRent Companies certain guarantors, and Wilmington Trust Company, as trustee. The indenture relates to 9½% Senior Secured Notes due 2010.

Section 304(d) of the 1939 Act, in part, authorizes the Commission to exempt conditionally or unconditionally any indenture from one or more provisions of the 1939 Act. The Commission may provide an exemption under section 304(d) if it finds that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the 1939 Act.

Section 314(d) requires the obligor to furnish to the indenture trustee certificates or opinions of fair value from an engineer, appraiser or other expert upon any release of collateral from the lien of the indenture. The engineer, appraiser or other expert must opine that the proposed release will not impair the security under the indenture in contravention of the provisions of the indenture. The application requests an exemption from section 314(d) for specified dispositions of collateral that are made in NationsRent Companies' and the guarantors' ordinary course of business.

In its application, NationsRent Companies alleges that:

1. The indenture permits NationsRent Companies and the guarantors to dispose of collateral in the ordinary course of their business;
2. NationsRent Companies and the guarantors will deliver to the trustee annual consolidated financial statements audited by certified independent accountants; and
3. NationsRent Companies and the guarantors will deliver to the trustee a semi-annual certificate stating that all dispositions of collateral during the relevant six-month period occurred in NationsRent Companies' and the guarantors' ordinary course of business and that all of the proceeds were used as permitted by the indenture.

Any interested persons should look to the application for a more detailed statement of the asserted matters of fact and law. The application is on file in the Commission's Public Reference Section, File Number 22-28742, 450 Fifth Street, NW., Washington, DC 20549.