

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 and petition for leave to intervene should also be sent to M. S. Ross, Managing Attorney, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated July 28, 2004, which is available for public inspection at the Commission'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 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 30th day of July 2004.

For the Nuclear Regulatory Commission.

**Eva A. Brown,**

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

[FR Doc. 04-17854 Filed 8-4-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

### FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering amending an exemption from (1) Title 10 of the Code of Federal Regulations (10 CFR) part 50, Appendix K, section I.D.1, which requires that accident

evaluations use the combination of emergency core cooling system (ECCS) subsystems assumed to be operative "after the most damaging single failure of ECCS equipment has taken place;" and (2) requirements of 50.46(a)(1)(ii), for Facility Operating License No. NPF-3, issued to FirstEnergy Nuclear Operating Company (FENOC or the licensee), for operation of the Davis-Besse Nuclear Power Station (DBNPS), located in Ottawa County, Ohio. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

### Environmental Assessment

#### Identification of the Proposed Action

The original exemption issued on May 5, 2000, exempted the licensee from the single-failure requirement for the two systems for preventing boric acid precipitation during the long-term cooling phase following a loss-of-coolant accident (LOCA). Additionally, the action exempted the licensee from the calculation requirements of 50.46(b)(5) and Appendix K, section I.A.4 for the second or backup system for preventing boric acid precipitation. The proposed action would amend the existing exemption by approving a new system to prevent boric acid precipitation. This new system would become the primary system and the current primary system would become the backup system. The current backup system would no longer be credited as part of the licensing basis, although it would remain as a third option procedurally. As such, the part of the existing exemption related to the calculation requirements of 50.46(b)(5) and Appendix K, section I.A.4 would be removed from the exemption as it only applied to the current backup system and is no longer needed.

The proposed action is in accordance with the licensee's application dated February 13, 2004.

#### The Need for the Proposed Action

The proposed action provides a new active means of preventing boric acid precipitation within the reactor vessel core region following a LOCA. The new system has fewer vulnerabilities and meets calculation requirements without an exemption, unlike the system to be removed from the licensing basis.

#### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed amended exemption would continue to satisfy the

underlying purpose of 10 CFR 50.46 and 10 CFR part 50, Appendix K. Additionally, the proposed action does not involve radioactive wastes, release of radioactive material into the atmosphere, solid radioactive waste, or liquid effluents released to the environment.

The DBNPS systems were evaluated in the Final Environmental Statement (FES) dated October 1975 (NUREG 75/097). The proposed amended exemption will not involve any change in the waste treatment systems described in the FES.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

#### Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for DBNPS, NUREG 75/097, dated October 1975.

#### Agencies and Persons Consulted

On May 25, 2004, the staff consulted with the Ohio State official, C. O'Claire of the Ohio Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

### Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 13, 2004 (ADAMS ML040490242), and the existing exemption approved by NRC letter dated May 5, 2000 (ADAMS ML003712264). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on 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 send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated in Rockville, Maryland, this 29th day of July, 2004.

For the Nuclear Regulatory Commission.

**Jon B. Hopkins,**

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

[FR Doc. 04-17852 Filed 8-4-04; 8:45 am]

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### SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-26522]

#### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

July 30, 2004.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of July, 2004. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549-0102 (tel. 202-942-8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's

Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 24, 2004, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549-0609. For Further Information Contact: Diane L. Titus at (202) 942-0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549-0504.

#### Morgan Stanley All-Star Growth Fund

[File No. 811-10173]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On October 3, 2003, applicant transferred its assets to Morgan Stanley American Opportunities Fund, based on net asset value. Applicant incurred expenses of approximately \$444,429 in connection with the reorganization.

**Filing Dates:** The application was filed on May 25, 2004 and amended on July 13, 2004.

**Applicant's Address:** Morgan Stanley Investment Advisors Inc., 1221 Avenue of the Americas, New York, NY 10020.

#### Morgan Stanley Next Generation Trust

[File No. 811-9441]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On December 19, 2003, applicant transferred its asset to Morgan Stanley Developing Growth Securities Trust, based on net asset value. Applicant incurred expenses of approximately \$157,694 in connection with the reorganization.

**Filing Dates:** The application was filed on May 25, 2004, and amended on July 13, 2004.

**Applicant's Address:** Morgan Stanley Investment Advisors Inc., 1221 Avenue of the Americas, New York, NY 10020.

#### Morgan Stanley High Income Advantage Trust, Morgan Stanley High Income Advantage Trust II, Morgan Stanley High Income Advantage Trust III

[File No. 811-5337], [File No. 811-5612], [File No. 811-5700]

**Summary:** Each applicant, a closed-end investment company, seeks an

order declaring that it has ceased to be an investment company. On December 13, 2002, each applicant transferred its assets to Morgan Stanley High Yield Securities Inc., based on net asset value. Applicants incurred expenses of approximately \$148,108, \$146,728 and \$142,175, respectively, in connection with the reorganizations.

**Filing Dates:** The applications were filed on May 25, 2004 and amended on July 13, 2004.

**Applicants' Address:** Morgan Stanley Investment Advisors Inc., 1221 Avenue of the Americas, New York, NY 10020.

#### Active Assets Premier Money Trust

[File No. 811-9711]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On March 28, 2002, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant incurred expenses of approximately \$20,000 in connection with the liquidation.

**Filing Dates:** The application was filed on May 25, 2004, and amended on July 13, 2004.

**Applicant's Address:** Morgan Stanley Investment Advisors Inc., 1221 Avenue of the Americas, New York, NY 10020.

#### Iowa Schools Joint Investment Trust

[File No. 811-7698]

**Summary:** Applicant is a common law trust organized and operated as a diversified, open-end management investment company that has two series. Applicant was established under Iowa law (the "Iowa Code") pursuant to Iowa Code chapter 28E and section 279.29, which authorize Iowa schools to jointly invest their funds pursuant to a joint investment agreement.

In 1993, applicant voluntarily registered under the Act. Applicant now states that it has experienced burdensome costs in operating in accordance with the requirements of the Act and seeks an order declaring that it has ceased to be an investment company. Applicant will rely on section 2(b) of the Act to remain exempt from the registration requirements of the Act. Applicant states that it is exempt under section 2(b) of the Act because it is an instrumentality of the State of Iowa.

**Filing Date:** The application was filed on July 12, 2004.

**Applicant's Address:** 665 Locust, PO Box 897, Des Moines, IA 50304-0897.