

Riverkeeper, Inc., hereinafter referred to as the "Petitioners." The Petition was supplemented on September 22 and October 29, 2003. The Petition concerns the operation of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3).

The Petition requested that the Nuclear Regulatory Commission (NRC): (1) take immediate enforcement action against Entergy Nuclear Operations, Inc. (Entergy), the licensee for IP2 and 3, by issuing an Order requiring Entergy to immediately shut down IP2 and 3 and maintain the reactors shutdown until the containment sumps are modified to resolve Generic Safety Issue 191 (GSI-191), and (2) as an alternative, should the NRC deny the request to require IP2 and 3 to shut down immediately, issue an Order to prevent plant restart following each plant's next refueling outage until such time that the containment sumps are modified to resolve GSI-191. If this alternative is chosen, the Petitioners further requested a requirement to be included within the Order for Entergy to (a) maintain all equipment needed for monitoring leakage of reactor coolant pressure boundary components within containment fully functional and immediately shut down the affected reactor upon any functional impairment to leakage monitoring equipment, and (b) refrain from any activity under 10 CFR 50.59, 10 CFR 50.90, Section VII.C of the NRC's Enforcement Policy, or Generic Letter 91-18, Revision 1, that increases or could increase the probability of a loss-of-coolant accident (LOCA).

As the basis for this request, the Petitioners stated that there is a lack of reasonable assurance that the IP2 and 3 containment sumps will be able to perform their function during a LOCA. The Petitioners, conclusions regarding the containment sumps were based on their analysis of publicly available reports that were prepared for the NRC by the Los Alamos National Laboratory (LANL). The NRC has stated that the potential for sump clogging in pressurized-water reactors is an issue that is currently being evaluated by the NRC through the NRC's Generic Issue Program. In particular, the NRC-sponsored studies that formulate the basis for your requested enforcement actions were performed in support of the NRC staff's review of GSI-191.

On September 24, 2003, the Petitioners met with the staff's Petition Review Board (PRB) to discuss the Petition and provide additional details in support of this request.

The NRC sent a copy of the Proposed Director's Decision to the Petitioners

and to the licensee for comment on February 19, 2004. The Petitioners responded with comments on March 30, 2004, and the licensee had no comments. The Petitioners' comments and the NRC staff's response to them are included with the Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has determined that the request to order the licensee to suspend operations of IP2 and 3 be denied. The reasons for this decision, along with the reasons for decisions regarding the remaining Petitioners' requests, are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD 04-02), the complete text of which is available in the Agencywide Documents Access and Management System (ADAMS) for inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the NRC Web site (<http://www.nrc.gov/reading-rm.html>) on the World Wide Web, under the "Public Involvement" icon.

As stated in its letter to the Petitioners on October 22, 2003, the NRC staff told the Petitioners that the request that the NRC issue an Order to immediately shut down IP2 and 3 was denied. Consistent with the generic issue process, the NRC is currently developing guidance to be used by individual plants to evaluate the potential for sump clogging. Although many plants have taken steps to further ensure adequate sump recirculation in the event of a LOCA, an NRC-approved methodology for evaluating each plant's sump performance is intended to (1) ensure that each plant evaluates the potential for debris-clogging in a consistent manner based on state-of-the-art, staff-approved methods and plant-specific information; and (2) provide the NRC with the technical basis for ensuring that any proposed solution adequately addresses the issue. The data reviewed by the staff to date, including the Petition and the Parametric Study, does not support the actions requested by the Petitioners. If, at any time during the resolution of the generic issue, the NRC should determine that unsafe conditions exist at Indian Point or any other plant, immediate actions will be taken to ensure the continued health and safety of the public.

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days

after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated in Rockville, Maryland, this 18th day of June, 2004.

For the Nuclear Regulatory Commission.

**Brian W. Sheron,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-14428 Filed 6-24-04; 8:45 am]

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## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Submission for OMB Review; Comment Request

**AGENCY:** Overseas Private Investment Corporation.

**ACTION:** Request for Comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. OPIC published its first **Federal Register** Notice on this information collection request on April 23, 2004, in Vol. 69, No. 79 FR 22103, at which time a 60-day comment period was announced. This comment period ended June 22, 2004. No comments were received in response to this notice.

This information collection submission has now been submitted to OMB for review. Comments are again being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility and clarity of the information to be collected; and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form, OMB control number 3420-0001, under review is summarized below.

**DATES:** Comments must be received within 30 calendar days of this Notice.

**ADDRESSES:** Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency submitting officer. Comments on the form should be submitted to the OMB Reviewer.

**FOR FURTHER INFORMATION CONTACT:**

*OPIC Agency Submitting Officer:*  
Bruce I. Campbell, Records Management Officer, Overseas Private Investment Corporation, 1100 New York Avenue,

NW., Washington, DC 20527; 202/336-8563.

*OMB Reviewer:* David Rostker, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503; 202/395-3897.

#### Summary Form Under Review

*Type of Request:* Form Renewal.

*Title:* Request for Registration for Political Risk Investment Insurance.

*Form Number:* OPIC-50.

*Frequency of Use:* Once per investor per project.

*Type of Respondents:* Business or other institution (except farms); individuals.

*Description of Affected Public:* U.S. companies or citizens investing overseas.

*Reporting Hours:* ½ hours per project.

*Number of Responses:* 343 per year.

*Federal Cost:* \$1,000.

*Authority for Information Collection:* Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act. of 1961, as amended.

*Abstract (Needs and Uses):* The OPIC 50 form is submitted by eligible investors to register their intent to make international investments, and ultimately, to seek OPIC political risk insurance. By submitting Form 50 to OPIC prior to making and irrevocable commitment, the incentive effect of OPIC is demonstrated.

Dated: June 21, 2004.

Eli Landy,

Senior Counsel, Administrative Affairs,  
Department of Legal Affairs.

[FR Doc. 04-14471 Filed 6-24-04; 8:45 am]

BILLING CODE 3210-01-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

(1) *Collection title:* Designation of Contact Officials.

(2) *Form(s) submitted:* G-117a.

(3) *OMB Number:* 3220-NEW.

(4) *Expiration date of current OMB clearance:* N.A.

(5) *Type of request:* New collection.

(6) *Respondents:* Business or other for-profit.

(7) *Estimated annual number of respondents:* 100.

(8) *Total annual responses:* 100.

(9) *Total annual reporting hours:* 25.

(10) *Collection description:* The Railroad Retirement Board (RRB) requests that railroad employers designate employees to act as liaison with the RRB on a variety of Railroad Retirement Act and Railroad Unemployment Insurance Act matters.

#### FOR FURTHER INFORMATION CONTACT:

Copies of the forms and supporting documents can be obtained by contacting Charles Mierzwa, the agency clearance officer, at (312) 751-3363 or [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Charles Mierzwa,

Clearance Officer.

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## SECURITIES AND EXCHANGE COMMISSION

[(Release No. 35-27859)]

### Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

**DATES:** June 18, 2004.

Notice is hereby given that the following filing(s) has/haven been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by July 13, 2004, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant application(s) and/or declarant(s) at the address(es)

specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After July 13, 2004, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### Cinergy Services, Inc. (70-10228)

Cinergy Service, Inc., a Delaware corporation ("Cinergy Services" or "Applicant"), 139 East Fourth Street, Cincinnati, Ohio 45202, a service company subsidiary of Cinergy Corporation ("Cinergy"), a registered holding company, has filed an application ("Application") with the Commission under section 13(b) of the Act and rules 54, 90, 91, and 93(d) under the Act.

Cinergy Services requests a waiver from the requirement under the rule 93 of the Act that service companies maintain their books and records as prescribed by 17 CFR part 257 in accordance with the accounts established in the Commission's *Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies* ("System of Accounts").<sup>1</sup> Specifically, Cinergy Services requests a waiver under rule 93(d) to use the chart of accounts in the Federal Energy Regulatory Commission's ("FERC") *Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to Provisions of the Federal Power Act* ("FERC Chart of Accounts"),<sup>2</sup> Instead of the System of Accounts, for all purposes for which Cinergy Services would otherwise use the System of Accounts. Cinergy Services states that the proposed adoption of the FERC Chart of Accounts, which contains additional accounts relevant to Cinergy Services functions not included in the System of Accounts, will permit the Cinergy system to realize process improvements and other efficiencies in its accounting system.<sup>3</sup> Cinergy Services also requests authority to amend its existing service agreements to make conforming textual revisions reflecting the proposed use of the FERC Chart of Accounts. In all other respects, Cinergy Services states that it will continue to

<sup>1</sup> See 17 CFR 256.00-1, *et seq.*

<sup>2</sup> See 18 CFR 101.

<sup>3</sup> See *Energy East Corp.*, HCAR No. 27729; Sept. 30, 2003 (allowing a comparable use of the FERC Chart of Accounts).