

absent a determination by the Commission, the presiding officer, or the ASLB that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v), and 2.714(d).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon on the NRC's Web page at <http://www.nrc.gov/reactors/operating/licensing/renewal.html>. A copy of the application to renew the operating licenses for D. C. Cook Nuclear Plant, Units 1 and 2, is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, and on the NRC's Web page at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html> while the application is under review. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents, and a copy of the application is also available electronically through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS accession number ML033070179. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdrr@nrc.gov](mailto:pdrr@nrc.gov).

The staff has verified that the license renewal application has been provided to the Bridgman Public Library, 4460 Lake Street, Bridgman, Michigan and the Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan, which are near the D. C. Cook Nuclear Plant.

Dated at Rockville, Maryland, this the 4th day of December, 2003.

For the Nuclear Regulatory Commission.

**Pao-Tsin Kuo,**

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

[FR Doc. 03-30687 Filed 12-9-03; 8:45 am]

BILLING CODE 7590-01-U

## NUCLEAR REGULATORY COMMISSION

### Meetings; Sunshine Act

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATE:** Weeks of December 8, 15, 22, 29, 2003, January 5, 12, 2004.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and closed.

**MATTERS TO BE CONSIDERED:**

**Week of December 8, 2003**

*Tuesday, December 9, 2003*

1:25 p.m. Affirmation session (public meeting) (if needed).

1:30 p.m. Briefing on Equal Employment Opportunity Program, (public meeting) (contact: Corethis Kelley, 301-415-7380).

*Wednesday, December 10, 2003*

9:30 a.m. Briefing on Strategic Workforce Planning and Human Capital Initiatives (closed—ex. 2).

**Week of December 15, 2003—Tentative**

*Tuesday, December 16, 2003*

9:30 a.m. Discussion of Security Issues (closed—ex. 1).

**Week of December 22, 2003—Tentative**

There are no meetings scheduled for the week of December 22, 2003.

**Week of December 29, 2003—Tentative**

There are no meetings scheduled for the week of December 29, 2003.

**Week of January 5, 2004—Tentative**

There are no meetings scheduled for the week of January 5, 2004.

**Week of January 12, 2004—Tentative**

*Wednesday, January 14, 2004*

9:30 a.m. Briefing on status of Office of Chief Information Officer programs, performance, and plans (public meeting).

This meeting will be Web cast live at the Web address—<http://www.nrc.gov>.

\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: R. Michelle Schroll, (301) 415-1662.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting

schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: December 4, 2003.

**R. Michelle Schroll,**

*Information Management Specialist, Office of the Secretary.*

[FR Doc. 03-30683 Filed 12-8-03; 10:02 am]

BILLING CODE 7590-01-M

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Sunshine Act, Meetings; Public Hearing

**TIME AND DATE:** 2 PM Tuesday, December 30, 2003.

**PLACE:** Office of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC

**STATUS:** Hearing OPEN to the Public at 2 PM.

**PURPOSE:** Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any persons to present views regarding the activities of the Corporation.

### Procedures

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporation Secretary no later than 5 p.m., Monday, December 29, 2003. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individuals presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit written statement for the record must submit a copy of such statements to OPIC's Corporate Secretary no later than 5 p.m., Monday, December 29, 2003. Such statements must be typewritten, double-spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporation Secretary, at the cost of reproduction.

**FOR FURTHER INFORMATION CONTACT:** Information on the hearing may be

obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202) 218-0136, or via email at [cdown@opic.gov](mailto:cdown@opic.gov).

Dated: December 8, 2003.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 03-30744 Filed 12-8-03; 3:43 pm]

BILLING CODE 3210-01-M

## POSTAL RATE COMMISSION

### Sunshine Act Meetings

**AGENCY:** Postal Rate Commission.

**TIME AND DATE:** Monday, December 8, 2003 through December 11, as needed, during Commission business hours (8 a.m. to 4:30 p.m.).

**PLACE:** Commission conference room, 1333 H Street, NW., suite 300, Washington, DC 20268-0001.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Personnel and compensation matters.

**FOR FURTHER INFORMATION CONTACT:**

Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW., Washington, DC 20268-0001, (202) 789-6820.

Dated: December 8, 2003.

**Steven W. Williams,**

*Secretary.*

[FR Doc. 03-30730 Filed 12-8-03; 2:41 pm]

BILLING CODE 7710-FW-M

## POSTAL RATE COMMISSION

[Order No. 1387; Docket No. A2003-1]

### Dismissal of Appeal of Post Office Closing in Birmingham Green, AL

**AGENCY:** Postal Rate Commission.

**ACTION:** Order.

**SUMMARY:** The Commission is dismissing an appeal (brought by George Prince *et al.*, petitioners) of the closing of a Birmingham Green, Alabama 35237 postal facility. The reason for dismissal is lack of jurisdiction. This facility is a classified postal station, rather than a post office. Controlling precedent holds that the Commission does not have jurisdiction over a closing or consolidation of a postal station.

**ADDRESSES:** Submit correspondence concerning this matter via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Stephen L. Sharfman, General Counsel, 202-789-6818.

**SUPPLEMENTARY INFORMATION:**

### Regulatory History

68 FR 56350 (September 30, 2003).

### Introduction and Summary

On September 17, 2003, three individuals petitioned the Commission to review the Postal Service's actions regarding the Birmingham Green, Alabama Post Office.<sup>1</sup> The Commission gave notice and accepted the appeal in order no. 1384, issued on September 23, 2003.<sup>2</sup> The Postal Service subsequently moved to dismiss this proceeding, arguing that the Commission lacks jurisdiction to consider an appeal under 39 U.S.C. 404(b).<sup>3</sup> After considering the circumstances of this appeal in light of applicable law and precedent in earlier dockets, the Commission has concluded that this proceeding should be dismissed for lack of jurisdiction.

### Petitioners' Request for Review

Petitioners George Prince, Terry Finch, and James E. Roberts contest a Postal Service action—which they characterize as a “closing or consolidation”—affecting the Birmingham Green post office, located at 317 North 20th Street in Birmingham, Alabama 35237. Joint Petition at 1. Petitioners document the Postal Service action in two attachments to their pleading.

The first attachment is a letter dated August 27, 2003 and signed by Paul T. Barrett, postmaster of Birmingham. In the letter, Mr. Barrett advises postal customers that “the Birmingham Green Post Office will be officially closed September 12, 2003.” In light of this development, he states that customers will be required to change their post office boxes, and that mail will be forwarded in accordance with postal regulations. He further states that “[r]etail services from the Main Post Office will ensure effective and regular services to the Downtown Birmingham community.”

The second attachment is a document entitled “Proposal to Consolidate the Birmingham Green Station and Establish a Contract Postal Unit,” dated June 20, 2003. According to the document's cover page, the matter was assigned docket number 35237.

The document states at the outset that the Postal Service “is proposing to consolidate the Birmingham Green Station and provide retail services by establishing a contract postal unit (CPU)

under the administrative responsibility of the Main Post Office, located 4 blocks away.” Proposal to Consolidate at 1. The remainder of the document consists of assessments of the proposal's anticipated effects, under headings entitled “Responsiveness to Community Postal Needs,” “Effect on Community,” “Effect on Employees,” “Economic Savings,” and “Other Factors.” These areas of inquiry correspond to the criteria the Postal Service is directed to consider in making a statutory determination to close or consolidate a post office, pursuant to 39 U.S.C. 404(b)(2).

Petitioners assert that the Postal Service's determination to close the Birmingham Green facility, announced in a notice of final determination on August 27, 2003 violates the requirement in 39 CFR 241.3(a)(2)(iii) that such determinations be available in writing at least 60 days before discontinuance takes effect. On this basis, petitioners argue that the process was “without observance of procedure required by law,” in contravention of 39 U.S.C. 404(b)(5)(B). Joint Petition at 1.

Petitioners also challenge the merits of the Service's decision. They allege that it will have adverse effects on the community served by the Birmingham Green facility and will degrade the degree of service provided; that the Service failed to take into account all the disadvantages of closing the facility; that the Service provided no statement of the facility's income or revenue in its proposal; and that it did not adequately respond to the concerns raised by community members in both questionnaire responses and in a public hearing. *Id.* at 1-2.

### Postal Service Motion To Dismiss

Order no. 1384 established October 3, 2003 as the date for the Postal Service's filing of its administrative record in this appeal. On that date, rather than filing an administrative record, the Service submitted a motion to dismiss this proceeding.<sup>4</sup>

In its motion, the Postal Service submits that the petition does not fall within the Commission's jurisdiction under § 404(b)(5). The Service cites two bases for this conclusion. First, it asserts that the Birmingham Green facility is a classified postal station—one of at least four USPS-operated facilities in downtown Birmingham—and thus is not a post office. Second, the Service represents that operations at the Birmingham Green facility “are currently suspended rather than

<sup>1</sup> Joint Petition for Review and Application for Suspension, September 17, 2003.

<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5), September 23, 2003.

<sup>3</sup> United States Postal Service Motion to Dismiss Proceeding, October 3, 2003.

<sup>4</sup> *Id.*