

exemption from the requirements of 10 CFR 54.17(c).

### 3.4.3 Containment and Category 1 Structures

The staff reviewed the additional information provided by the applicant in its letter to the NRC dated September 3, 2003. In the attachment to the letter, DNC compared the MP2 and MP3 containment and Category 1 structures and components in Table 1; MP3 and other Stone and Webster Engineering Corp. plants' containment and Category 1 structures and components in Table 2; and MP3 and the applicable sections of the GALL Report containment and Category 1 structures and components in Table 3. Based on the Table 1 comparisons and its related discussions, the applicant stated that the operating experience from MP2 is applicable to MP3 with identifying containment and Category 1 structure-related aging effects, except when there were differences such as in the architect-engineer, containment type, and groundwater protection. For the differences previously noted, the applicant relied on the operating experience from plants (Table 2) that have the same architect-engineer, containment type, and groundwater protection such as North Anna Units 1 and 2, Surry Units 1 and 2, Beaver Valley Unit 1, and Haddam Neck. Even though these plants have the same architect-engineer, containment type, and groundwater protection as MP3, the environments are different. MP3 is located in a coastal area and the other plants are located in inland environments. For the environmental difference, the applicant relied on the GALL Report for additional operating experience. The staff reviewed the applicant's assertions that MP3 also has the benefit of industry operating experience, particularly for those PWRs with the same architect engineer, containment type, and groundwater protection; and the MP3 LRA will also reflect industry experience identified in the GALL Report, as well as other industry programs.

The staff finds that the justifications provided by the applicant for these assertions are based on factual information and are reasonable. Based on the above discussion, the staff concludes that, with respect to MP2 and MP3 containment and Category 1 structures design, structural configuration and management of structural-related aging effects, the applicant has provided adequate justifications for the NRC's consideration of granting MP3's request

for exemption from the requirements of 10 CFR 54.17(c).

Therefore, sufficient combined operating experience from MP2 and industry exists to satisfy the intent of 10 CFR 54.17(c), and the application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that DNC's request meets the requirement, in 10 CFR 50.12(a)(2), that special circumstances exist to grant the exemption.

### 3.5 Summary

Based on the foregoing, the staff finds that the requested exemption is acceptable in that it is authorized by law; will not present an undue risk to public health and safety; is consistent with the common defense and security; and that special circumstances are present, under 10 CFR 50.12(a)(2)(ii). Should DNC submit an application to renew the licenses for MP2 and MP3, the application must demonstrate full compliance with 10 CFR parts 51 and 54 for both units and include information addressing the similarity in design, operation, maintenance, operating experience, and environments of the units to support submittal of the dual-unit application. In the course of its review of an application to renew the licenses for the units at the Millstone site, the NRC staff will examine how the actual operating experience, available from both units and from industry, applies to the particular SSCs evaluated.

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DNC a schedular exemption from the requirements of 10 CFR 54.17(c). Specifically, this schedular exemption allows DNC to apply for a renewed license for MP3 earlier than 20 years before the expiration of the operating license currently in effect.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (68 FR 7529).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of December, 2003.

For the Nuclear Regulatory Commission.

**Cornelius Holden,**

*Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-315 Filed 1-6-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-354]

### PSEG Nuclear LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has granted the request of PSEG Nuclear LLC (the licensee) to withdraw its July 9, 2003, application, as supplemented by its August 14, 2003, letter, for a proposed amendment to Facility Operating License No. NPF-57 for the Hope Creek Generating Station, Unit No. 1, located in Salem County, New Jersey.

The proposed amendment would have revised the facility's Technical Specifications by extending the time allowed to complete repairs or upgrades to the control room emergency filtration (CREF) system up to 30 days.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 5, 2003 (68 FR 46245). However, by letter dated November 21, 2003, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 10, 2003, as supplemented by letter dated August 14, 2003, and the licensee's letter dated November 21, 2003, 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 e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 31st day of December 2003.

For the Nuclear Regulatory Commission.

**John P. Boska,**

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

[FR Doc. 04-316 Filed 1-6-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **OVERSEAS PRIVATE INVESTMENT CORPORATION**

### **Sunshine Act Meeting**

**TIME AND DATE:** 2 p.m., Thursday, January 22, 2004.

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

**STATUS:** Hearing open to the Public at 2 p.m.

**PURPOSE:** Annual public hearing and hearing in to afford an opportunity for any person to present views regarding the activities of the Corporation.

**PROCEDURES:** Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. 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 individual 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 a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. 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 Corporate Secretary, at the cost of reproduction.

#### **CONTACT PERSON FOR INFORMATION:**

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).

**SUPPLEMENTARY INFORMATION:** OPIC is a U.S. Government agency which provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects which confer positive development benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(c)(1) of the Foreign Assistance Act of 1961, as amended ("the Act") to hold at least one public hearing each year; and by section 231A(c)(2) to hold a public hearing in conjunction with the quarterly meeting of the Board of Directors.

Among other issues, OPIC's annual public hearing has, in previous years, provided a forum for testimony concerning section 231A(a) of the Act. This section provides that OPIC may operate its programs only in those countries that are determined to be "taking steps to adopt and implement laws that extend internationally recognized worker rights \* \* \* to workers in that country (including any designated zone in that country)."

Based on consultations with Congress, OPIC complies with annual determinations made by the Executive Branch with respect to worker rights for countries that are eligible for the Generalized System of Preferences ("GSP"). Any country for which GSP eligibility is revoked on account of its failure to take steps to adopt and implement internationally recognized worker rights is subject concurrently to the suspension of OPIC programs until such time as a favorable worker rights determination can be made.

For non-GSP countries in which OPIC operates its programs, OPIC reviews any country which is the subject of a formal challenge at its annual public hearing. To qualify as a formal challenge, testimony must pertain directly to the worker rights requirements of the law as defined in OPIC's 1985 reauthorizing legislation (Pub. L. 99-204) with reference to the Trade Act of 1974, as amended, and be supported by factual information.

Dated: January 5, 2004.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 04-372 Filed 1-5-04; 1:42 pm]

**BILLING CODE 3210-01-M**

## **OVERSEAS PRIVATE INVESTMENT CORPORATION**

### **Sunshine Act Meeting**

**TIME AND DATE:** 1 p.m., Thursday, January 22, 2004.

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

**STATUS:** Hearing open to the Public at 1 p.m.

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

**PROCEDURES:** Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. 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 individual 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 a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., Friday, January 16, 2004. 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.

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Information on the hearing may be obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202) 218-0136, or via e-mail at [cdown@opic.gov](mailto:cdown@opic.gov).

Dated: January 5, 2004.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 04-373 Filed 1-5-04; 1:42 pm]

**BILLING CODE 3210-01-M**