

(i) US Steel indemnifies the Plan with respect to all liability for hazardous substances released on the Property prior to the execution and closing of the Timber Rights contribution.

(j) The Independent Fiduciary, acting on behalf of the Plan, retains the right to sell or assign, in whole or in part, any of the Plan's Timber Rights interests to any third party purchaser.

Notwithstanding the above, UCF retains the authority to appoint a second independent fiduciary (the Second Independent Fiduciary) to determine whether to approve a proposed disposition, or to determine whether to direct the Independent Fiduciary to make a disposition.

Section III. Definitions

(a) The term "Independent Fiduciary" means a fiduciary who is: (1) Independent of an unrelated to US Steel or its affiliates, and (2) appointed to act on behalf of the Plan for purposes related to (i) the in kind contribution of the Timber Rights by US Steel to the Plan and (ii) other transactions between the Plan and US Steel related to the Property on which the Timber Rights are based. For purposes of this exemption, a fiduciary will not be deemed to be independent of and unrelated to US Steel if: (1) Such fiduciary directly or indirectly controls, is controlled by or is under common control with US Steel, (2) such fiduciary directly or indirectly receives any compensation or other consideration in connection with any transaction described in this exemption; except that an Independent Fiduciary may receive compensation for acting as an Independent Fiduciary from US Steel in connection with the transactions contemplated herein if the amount or payment of such compensation is not contingent upon or in any way affected by the Independent Fiduciary's ultimate decision, and (3) the annual gross revenue received by such fiduciary, during any year of its engagement, from US Steel and its affiliates exceeds 5% of the Independent Fiduciary's annual gross revenue from all sources for its prior tax year.

(b) The term "affiliate" means:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner of any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(c) The term "control" means the power to exercise a controlling

influence over the management or policies of a person other than an individual.

(d) The term "Second Independent Fiduciary" means a fiduciary who meets the definition of an "Independent Fiduciary" in Section III(a) above, except that such fiduciary is appointed solely to oversee a disposition transaction as described in Section II(j) hereof.

(e) The term "additional ancillary transactions" refers to other transactions which may be entered into by the Plan and US Steel arising from rights retained by US Steel related to the Property on which the Timber Rights are based. These transactions include the following: (1) The allocation and contesting of property taxes, fees, licenses, fines and other charges or assessments imposed on the Plan, the Timber Rights or (as relevant) the Property; (2) the allocation of payments in connection with the granting of easements or use permits; (3) the use of timberlands in connection with government-mandated environmental cleanup or other construction or maintenance activities occurring on US Steel owned adjacent properties; (4) the negotiation by the Independent Fiduciary with US Steel of a premium price to be paid to the Plan to permit US Steel to buy out the Timber Rights on a parcel in order to sell the parcel to a third party; (5) the coordination between the Independent Fiduciary and US Steel of access to the Property on a continuing basis, such as where to place a gate or to whom to permit access; (6) the allocation of costs and responsibilities related to participation in cooperatives for fire protection, research on land use, or other matters relating to the Property and the Timber Rights; (7) the representation of the Plan in regulatory matters, such as changes in laws or regulations affecting the Property, that also would impact US Steel; (8) the allocation of insurance coverage for the Property and Timber Rights between the Plan and US Steel; (9) the joint hiring by, or the allocation of costs between, the Plan and US Steel of contractors to cut or maintain roads for fire protection or other joint uses; (10) the joint action by, or allocation of costs between, the Plan and US Steel to maintain Property boundaries, monitor for violations, and determine damages if any from third party trespass or other intrusion onto the Property; (11) the joint representation of the Plan and US Steel to an agency or other governmental body in the event of any regulatory dispute or other regulatory issue involving the Timber Rights and the Property; (12) working with

government agencies on environmental projects, enhancements, conservation easements, or similar matters that may affect the value of the Timber Rights and the Property; (13) the negotiation of a joint sale of the Timber Rights owned by the Plan and the underlying Property owned by US Steel to a third party; (14) the enforcement and settlement arising from US Steel's obligations under the Timber Rights Agreements; and (15) the joint defense and prosecution of lawsuits involving the Timber Rights and/or the Property.

Effective Date: This exemption is effective as of December 24, 2003.

For a more complete statement of the facts and representations supporting the Department's decision to grant this final exemption, refer to the proposed exemption which is cited above.

Signed at Washington, DC, this 30th day of September, 2003.

Ivan L. Strasfeld,

*Director of Exemption Determinations,
Employee Benefits Security Administration,
Department of Labor.*

[FR Doc. 04-52 Filed 1-2-04; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 03-164]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that JFC Technologies has applied for an exclusive license to practice the inventions described and claimed in U.S. Patent No. 6,359,107, entitled "Composition Of And Method For Making High Performance Resins For Infusion And Transfer Molding Processes"; which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Langley Research Center. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: Responses to this notice must be received by January 20, 2004.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Attorney, Mail Stop 212, NASA Langley Research Center, Hampton, VA 23681-2199.

Telephone (757) 864-3230; Fax (757) 864-9190.

Dated: December 29, 2003.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 04-69 Filed 1-2-04; 8:45 am]

BILLING CODE 7510-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-7001, 70-7002]

Notice of Renewal of Certificates of Compliance, GDP-1 and GDP-2 for the U.S. Enrichment Corporation, Paducah and Portsmouth Gaseous Diffusion Plants, Paducah, KY, and Portsmouth, OH

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of a Director's Decision renewing the Certificates of Compliance for the United States Enrichment Corporation (USEC) which allows continued operation of the two Gaseous Diffusion Plants (GDPs), at Paducah, Kentucky, and Portsmouth, Ohio.

FOR FURTHER INFORMATION CONTACT:

Michael Raddatz, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6334; Fax: (301) 415-5955; and/or by e-mail: mgr@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a Director's Decision (Decision) renewing the Certificates of Compliance for the two GDPs located near Paducah, Kentucky, and Portsmouth, Ohio, for the USEC, which allows continued operation of these plants. The renewal of these certificates for the GDPs covers a five-year period. Pursuant to 10 CFR 76.31, USEC submitted its renewal request on April 11, 2003.

Pursuant to 10 CFR 76.53, the NRC consulted with and requested written comments on the renewal application from the U.S. Environmental Protection Agency (EPA). EPA responded on June 27, 2003, indicating that they did not have comments. The NRC staff has reviewed the certificate renewal applications for the GDPs located near Paducah, Kentucky, and Portsmouth, Ohio. USEC's applications for certificate renewal did not propose any changes to

the current safety basis or requirements. However, updates to USEC's Depleted Uranium Management Plan and Decommissioning Funding Plan were provided, to reflect a revised 5-year projection of accumulated depleted uranium and new cost estimates for disposition of depleted uranium and radioactive waste. Previous applications, statements, and reports are incorporated by reference into the renewal application as provided for in 10 CFR 76.36. These include the Technical Safety Requirements, Safety Analysis Report, Compliance Plan, Quality Assurance Program, Emergency Plan, Security and Safeguards Plans, Waste Management Program, and Decommissioning Funding Program, changes made pursuant to 10 CFR 76.68.

Based on its review of the certificate renewal applications, the staff has concluded that in combination with existing certificate conditions, they provide reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. The NRC staff has prepared Compliance Evaluation Reports which provide details of the staff's evaluations. The NRC staff has determined that the renewals satisfy the criteria for a categorical exclusion in accordance with 10 CFR 51.22 (c) (19). Therefore, pursuant to 10 CFR 51.22 (b), no environmental impact statement or environmental assessment needs to be prepared for this action.

As a result of the staff reviews, the Director, Office of Nuclear Material Safety and Safeguards (NMSS), has found that the requirements in 10 CFR 76.60 for certification for operation of the GDPs have continued to be met. Accordingly, the Director has renewed Certificates of Compliance GDP-1 and GDP-2. The renewal of Certificates of Compliance GDP-1 and GDP-2 becomes effective immediately after being signed by the Director, NMSS.

II. Opportunity to File a Petition

Pursuant to 10 CFR 76.62(c), USEC, or any person whose interest may be affected may file a petition requesting the Commission's review of this renewal decision. A petition requesting the Commission's review may not exceed 30 pages and must be filed within 30 days after the publication of this notice in the **Federal Register**. Within 15 days of filing a petition requesting the Commission's review, pursuant to 10 CFR 76.62(c), any other person whose interest may be affected may file a response, not to exceed 30 pages, to the petition for review. Petitions requesting the Commission's review or responses thereto are to be served by either:

(1) Delivery to the Rulemaking and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m., Federal workdays; or

(2) Mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing also be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101, or by e-mail to hearingsdocket@nrc.gov.

A petition for review of the Decision and responses thereto shall set forth with particularity the interest of the person and how that interest may be affected by the results of the decision. The petition or responses thereto shall specifically explain the reasons why review of the Decision should or should not be permitted with particular reference to the following factors:

- (1) The interest of the petitioner;
- (2) How that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and
- (3) The petitioner's areas of concern about the activity that is the subject matter of the Decision.

The filing of any petition for review or any responses thereto are governed by the procedural requirements set forth in 10 CFR 76.72.

III. Further Information

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," details with respect to this action, including the application for renewal (Portsmouth-ML031050318, Paducah-ML031050324) and the Commission's Compliance Evaluation Reports (Portsmouth-ML033440617, Paducah-ML033440612), are available electronically for public inspection and copying from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. These documents (except for classified and proprietary portions which are withheld in accordance with 10 CFR 2.790, "Availability of Public Records") are also available for public inspection at the Commission's Public Document Room, at One White Flint North, 11555 Rockville Pike Rockville, MD 20852.

Dated at Rockville, Maryland, this 29th day of December, 2003.