

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 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 17th day of October 2003.

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. 03-26893 Filed 10-23-03; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

### Entergy Operations, Inc.; Notice of Receipt of Application for Renewal of Facility Operating License No. NPF-6 for an Additional 20-Year Period

The U.S. Nuclear Regulatory Commission (NRC or Commission) has received an application, dated October 14, 2003, from the Entergy Operations, Inc., filed pursuant to Section 103b of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 54, to renew Operating License No. NPF-6 for the Arkansas Nuclear One, Unit 2. Renewal of the license would authorize the applicant to operate the facility for an additional 20-year period. The current operating license for the Arkansas Nuclear One, Unit 2, expires on July 17, 2018. The Arkansas Nuclear One, Unit 2, is a pressurized-water reactor designed by Combustion Engineering Company and is located in Pope County, Arkansas. The acceptability of the tendered application for docketing, and other matters including an opportunity to request for a hearing, will be addressed in subsequent **Federal Register** notices.

Copies of the application are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML032890483. The ADAMS Public Electronic Reading Room is accessible from the NRC Web

site at <http://www.nrc.gov/reading-rm/adams.html>. In addition, the application is available on the NRC web page at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>, while the application is under review. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, (301) 415-4737, or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The license renewal application is also available to local residents near the Arkansas Nuclear One at the Ross Pendergraft Library and Technology Center at the Arkansas Tech University in Russellville, Arkansas.

Dated at Rockville, Maryland, this 21st day of October 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. 03-26891 Filed 10-23-03; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Exelon Generation Company (EGC), LLC; Notice of Receipt and Availability of Application for Early Site Permit for the Clinton ESP Site

On September 25, 2003, the Nuclear Regulatory Commission (NRC, the Commission) received an application from Exelon Generation Company, LLC filed pursuant to Section 103 of the Atomic Energy Act and 10 CFR part 52, for an early site permit (ESP) for property co-located with the existing Clinton Power Station facility near Clinton, Illinois, hereafter identified as the Clinton ESP site.

An applicant may seek an ESP in accordance with Subpart A of 10 CFR part 52 separate from the filing of an application for a construction permit (CP) or combined license (COL) for a nuclear power facility. The ESP process allows resolution of issues relating to siting. At any time during the period of an ESP (up to 20 years), the permit holder may reference the permit in an application for a CP or COL.

Subsequent **Federal Register** notices will address the acceptability of the tendered early site permit application for docketing and provisions for participation of the public and other parties in the ESP review process.

A copy of the application is available for public inspection at the

Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland and via the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. The accession number for the application is ML032721596. Future publicly available documents related to the application will also be posted in ADAMS. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The application is also available to local residents at the Vespasian Warner Public Library in Clinton, Illinois, and it will be available on the NRC Web page at <http://www.nrc.gov/reactors/new-licensing/license-reviews/esp.html>.

Dated at Rockville, Maryland, this 20th day of October 2003.

For The Nuclear Regulatory Commission.

**James E. Lyons,**

*Program Director, New, Research and Test Reactors Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 03-26894 Filed 10-23-03; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on November 5-8, 2003, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, November 20, 2002 (67 FR 70094).

### Wednesday, November 5, 2003 (Closed)

10:15 a.m.-7 p.m.: Safeguards and Security (Closed)—The Committee will meet with representatives of the Office of Nuclear Regulatory Research and the Office of Nuclear Security and Incident Response to discuss safeguards and security matters. Also, the Committee will discuss a proposed ACRS report on safeguards and security matters.

**Thursday, November 6, 2003,  
Conference Room T-2B3, Two White  
Flint North, Rockville, Maryland**

*8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.–10:30 a.m.: Proposed Resolution of Generic Safety Issue 189, "Susceptibility of Ice Condenser and Mark III Containments to Early Failure from Hydrogen Combustion During a Severe Accident"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff on their proposed resolution of GSI-189.

*10:45 a.m.–11:45 a.m.: Draft Final Regulatory Guide 1.32, Revision 3, "Criteria for Power Systems for Nuclear Plants"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding Regulatory Guide 1.32 which endorses IEEE Standard 308-2001, "Criteria for Class 1E Power Systems for Nuclear Generating Systems." The guide reflects the one public comment received during the public period which ended during July 2003.

*12:45 p.m.–2:45 p.m.: Mixed Oxide Fuel Fabrication Facility* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the license applicant regarding the issuance of the Safety Evaluation Report (SER) for the proposed MOX Fuel Fabrication Facility.

*3 p.m.–5 p.m.: Advanced Non-Light Water Reactor Licensing Framework* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the license applicant regarding their progress in the development of a technology neutral, risk-informed and performance-based approach for licensing future non-LWR reactor designs.

*5:15 p.m.–5:45 p.m.: Subcommittee Report on the R. E. Ginna License Renewal Application* (Open)—The Committee will hear a report by and hold discussions with the Chairman of the ACRS Subcommittee on Plant License Renewal regarding the review of the R. E. Ginna License Renewal Application.

*5:45 p.m.–6 p.m.: Review of the NRC Safety Research Program Report* (Open)—The Chairman of the Safety Research Program Subcommittee will discuss the progress to date on the annual ACRS report to the Commission on the NRC Safety Research Program.

*6 p.m.–7:30 p.m.: Preparation of ACRS Reports* (Open/Closed)—The Committee will discuss proposed ACRS reports on matters considered during this meeting. In addition, the Committee will discuss a proposed ACRS report on safeguards and security matters (Closed).

**Friday, November 7, 2003, Conference Room T-2B3, Two White Flint North, Rockville, Maryland**

*8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.–10 a.m.: Early Site Permit Review Standard* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the public comments on the draft standard and the efficacy of the standard as noted in the early site permit applications received to date.

*10:15 a.m.–12 Noon: Effectiveness of Resolution of USI-A-45, "Shutdown Decay Heat Removal Requirements"* (Open)—The Committee will hear an information briefing by the NRC staff on the effectiveness of the resolution of USI-A-45.

*1 p.m.–2 p.m.: ACRS Retreat in 2004* (Open)—The Committee will discuss scope, topics, dates and location of a possible 2004 ACRS Retreat.

*2 p.m.–2:45 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee* (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

*2:45 a.m.–3 p.m.: Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

*3 p.m.–4 p.m.: Task Force Report on Operating Experience* (Open)—The Committee will receive an information briefing by the NRC staff on its task force report on operating experience.

*4:15 p.m.–7:30 p.m.: Preparation of ACRS Reports* (Open/Closed)—The Committee will discuss proposed ACRS

reports on matters considered during this meeting. In addition, the Committee will discuss a proposed ACRS report on safeguards and security matters (Closed).

**Saturday, November 8, 2003,  
Conference Room T-2B3, Two White  
Flint North, Rockville, Maryland**

*8:30 a.m.–1 p.m.: Preparation of ACRS Reports* (Open/Closed)—The Committee will continue discussion of the proposed ACRS reports on matters considered during its meeting. In addition, the Committee will discuss a proposed ACRS report on Safeguards and Security matters (Closed).

*1 p.m.–1:15 p.m.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 16, 2003 (68 FR 59644). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Associate Director for Technical Support named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Associate Director for Technical Support prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Associate Director for Technical Support if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Pub. L. 92-463, I have determined that it is necessary to close portions of this meeting noted above to discuss and protect information classified as national security information as well as unclassified safeguards information pursuant to 5 U.S.C. 552b(c)(1) and (3).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as

well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Dr. Sher Bahadur, Associate Director for Technical Support (301-415-0138), between 7:30 a.m. and 4:15 p.m., ET.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at [pdf@nrc.gov](mailto:pdf@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/> (ACRS & ACNW Mtg schedules/agendas).

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301-415-8066), between 7:30 a.m. and 3:45 p.m., ET, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: October 20, 2003.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 03-26896 Filed 10-23-03; 8:45 am]

BILLING CODE 7590-01-P

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### October 23, 2003 Public Hearing; Sunshine Act

OPIC's Sunshine Act notice of its public hearing was published in the **Federal Register** (Volume 68, Number 194, Page 57935) on October 7, 2003. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's public hearing in conjunction with OPIC's October 30, 2003 Board of Directors meeting scheduled for 2 PM on October 23, 2003 has been cancelled.

#### FOR FURTHER INFORMATION CONTACT:

Information on the hearing cancellation 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: October 22, 2003.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 03-27022 Filed 10-22-03; 12:07 pm]

BILLING CODE 3210-01-M

## PENSION BENEFIT GUARANTY CORPORATION

### Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer Who Contributes to a Multiemployer Plan; Florida Marlins, L.P.

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of exemption.

**SUMMARY:** The Pension Benefit Guaranty Corporation has granted a request from the Florida Marlins, L.P. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the Major League Baseball Players Pension Plan. A notice of the request for exemption from the requirement was published on July 9, 2003 (68 FR 41025). The effect of this notice is to advise the public of the decision on the exemption request.

**ADDRESSES:** The non-confidential portions of the request for an exemption and the PBGC response to the request may be obtained by writing PBGC's Communications and Public Affairs Department ("CPAD") at Suite 240, 1200 K Street, NW., Washington, DC 20005-4026, or by visiting or calling CPAD (202-326-4040) during normal business hours.

#### FOR FURTHER INFORMATION CONTACT:

Jason E. Wolf, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; telephone 202-326-4020. (For TTY/TDD users, call the Federal Relay Service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("ERISA" or "the Act"), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that:

(A) The purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of the bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale. Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., S. 1076, The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Considerations 16 (Comm. Print, April 1980); 128 Cong. Rec. S10117 (July 29, 1980). The granting of an exemption or variance from the bond/escrow requirement does not constitute a finding by the PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on variances for sales of assets (29 CFR part 4204), a request for a variance or waiver