

announcing the start of public scoping and its intention to prepare an environmental assessment (EA) under the NEPA for the proposed rehabilitation and reuse of historic buildings in the PSHH district of the Presidio (68 FR 53205-06). As part of the EA scoping process and as announced in the notice, the Trust held a public Trust Board meeting on October 29, 2003 to accept oral comments on the scope of alternatives and environmental impacts to be considered in the EA. The public scoping period, as first announced, ends November 26, 2003. The Trust desires to provide additional opportunities for public and agency comment on the project beyond what was first announced.

At the public meeting on October 29, 2003, the Trust announced to meeting participants the scheduling of a second opportunity for the public to address the Board directly on the PSHH project. Through this **Federal Register** notice and other public means, the Trust is more broadly announcing the second public Trust Board meeting and is extending the public comment period on the EA to December 10, 2003.

Scoping Meeting and Comments: The Trust will accept additional oral comments on the scope of alternatives and issues to be addressed under the NEPA in the PSHH EA at a public Trust Board meeting on December 10, 2003, the exact time and location to be announced. The deadline for all scoping comments on the EA is also December 10, 2003. Written scoping comments must be postmarked, transmitted or delivered no later than December 10, 2003 to the Trust contact person below. Please note that written comments will be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** John Pelka, NEPA Compliance Coordinator, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052 (fax: 415/561-2790) or [phsh@presidiotrust.gov](mailto:phsh@presidiotrust.gov).

Dated: November 5, 2003.

**Karen A. Cook,**  
*General Counsel.*

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## RAILROAD RETIREMENT BOARD

### Privacy Act of 1974; Proposed Changes to System of Records

**AGENCY:** Railroad Retirement Board (RRB).

**ACTION:** Notice of revision of Privacy Act System of Records.

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**SUMMARY:** The purpose of this document is to give notice of two proposed new routine uses for one of its system of records.

**DATES:** The changes to this System of Records shall become effective without further notice December 22, 2003, unless comments are received before this date that result in further modifications.

**ADDRESSES:** Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 N. Rush St., Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Marshall, Counsel to the Inspector General, Office of Inspector General, Railroad Retirement Board, 844 N. Rush St., 4th Floor, Chicago, Illinois 60611-2092, (312) 751-4690.

**SUPPLEMENTARY INFORMATION:** The RRB proposes two new routine uses for its Investigation Files System of Records, RRB-43.

#### I. Discussion of New and Revised Routine Uses

The first proposed routine use "e" in RRB-43 would permit the RRB to disclose information, upon request, to the President's Counsel on Integrity and Efficiency (PCIE) for the purpose of accurate reporting to the President and Congress on the activities of the Inspectors General. The purpose of the disclosure of information is to allow the PCIE to conduct the necessary analysis of data from all Inspector General offices to develop accurate statistical information for the annual report. In general, only portions of personally identifiable information may be disclosed. Additionally personally identifiable information may be disclosed as necessary to reconcile reports.

The second proposed routine use "f" in RRB-43 would allow the disclosure of information to members of the PCIE or the Department of Justice, as necessary, for the purpose of investigative qualitative assessment reviews. The PCIE has established a peer review process to ensure that Offices of Inspectors General have adequate internal safeguards and management procedures. The objectives of the review are to assess whether adequate internal safeguards and management procedures are in place, foster high-quality investigations and investigative processes, ensure that the highest levels of professionalism are maintained, and promote consistency within the Inspector General investigative community. The Inspectors Generals plan to begin

investigative qualitative assessment reviews beginning during fiscal year 2004.

#### II. Compatibility of Proposed Routine Uses

We are proposing these two new routine uses in accordance with the Privacy Act (5 U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget had offered guidance that a "compatible" use is a use which is necessary and proper. The RRB considers the disclosure of investigatory records for the purpose of accurate reporting to the President and Congress on the activities of the Inspectors General to be a necessary and proper use; likewise the RRB considers the disclosure of these records to members of the PCIE or the Department of Justice, as necessary, for the purpose of investigative qualitative assessment reviews to be a necessary and proper use.

#### III. Altered System Report

On October 28, 2003, the Railroad Retirement Board filed an altered system report for this system with the chairmen of the designated Senate and House committees and with the Office of Management and Budget. This was done to comply with section 3 of the Privacy Act of 1974 and OMB Circular 1-130, Appendix I.

By authority of the Board.

**Beatrice Ezerski,**  
*Secretary to the Board.*

#### RRB-43

##### SYSTEM NAME:

Investigation Files-RRB.

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##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Paragraph "e" is added to read as follows:

e. Records may be disclosed to members of the President's Council on Integrity and Efficiency for the preparation of reports to the President and Congress on the activities of the Inspectors General.

Paragraph "f" is added to read as follows:

f. Records may be disclosed to members of the President's Council on Integrity and Efficiency, or the Department of Justice, as necessary, for

the purpose of conducting qualitative assessment reviews of the investigative operations of RRB-OIG to ensure that adequate internal safeguards and management procedures are maintained.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27747]

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

November 5, 2003.

Notice is hereby given that the following filing(s) has/have been made with the Commission under 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 December 1, 2003, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(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 December 1, 2003 the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### E.ON AG and LG&E Energy Corp. (70-10173)

E.ON AG ("E.ON"), E.ON-Platz 1, 40479 Dusseldorf, Germany, a registered holding company, and LG&E Energy Corp. ("LG&E Energy"), 220 West Main Street, Louisville, Kentucky 40202, a subsidiary of E.ON and a public utility holding company exempt from registration by order under section 3(a)(1) of the Act (collectively "Applicants"), have filed an application ("Application") under sections 9(a) and 10 of the Act and rule 54 under the Act.

Applicants request an extension of the deadline to divest E.ON's nonutility interest in CRC-Evans International, Inc. and its subsidiaries.

On December 11, 2000, Powergen plc ("Powergen") acquired LG&E Energy,<sup>1</sup> an exempt holding company under the Act, in accordance with the Commission's order in Holding Company Act Release No. 27291 (December 6, 2000) (the "Powergen Order"). In the Powergen Order, the Commission reserved jurisdiction over the retention of CRC-Evans International, Inc. and its subsidiaries. The subsidiaries of CRC-Evans International, Inc. include: CRC-Evans Pipeline International, Inc.; CRC-Evans Weighting Systems Inc. (formerly known as CRC-Key, Inc.); CRC-Evans B.V.; CRC-Evans Canada Ltd.; PIH Holdings Ltd.; and Pipeline Induction Heat Ltd. (collectively, the "CRC-Evans Companies"). The CRC-Evans Companies are indirect, wholly-owned subsidiaries of E.ON, which provide specialized equipment and services for construction of crude oil, natural gas, refined product and water pipelines worldwide.

The Commission authorized E.ON's acquisition of Powergen in an order issued on June 14, 2002 (Holding Company Act Release No. 27539) (the "Acquisition Order"). E.ON completed the acquisition of Powergen on July 1, 2002 and registered as a holding company on that day.

In the Powergen Order, applicants committed to take appropriate steps to divest CRC-Evans Companies within three years after the date of the order in that proceeding or to file a post-effective amendment to the application in such proceeding no later than June 30, 2001, seeking to justify the retention of such companies. No such post-effective amendment was filed.

Again in the Acquisition Order, Applicants committed to take appropriate steps to divest these companies within three years after the date of the Powergen Order, or by December 6, 2003. In the Acquisition Order, the Commission continued to reserve jurisdiction over the retention of the CRC-Evans Companies.

Applicants state that they have made a concerted effort to dispose of the CRC-Evans Companies, but that depressed market conditions in the pipeline construction industry have had a negative impact on the marketability of the CRC-Evans Companies. Applicants state that although the overall weakness

in the market is expected to continue into 2004, industry sources suggest that activity levels in the pipeline industry should improve as the industry recovers from a cyclical trough and liquidity issues. Accordingly, Applicants request an extension of the time to accomplish divestiture of the CRC-Evans Companies until December 31, 2005.

#### National Fuel Gas Company, et al. (70-10168)

National Fuel Gas Company ("National Fuel Gas"), a registered holding company, and its nonutility subsidiaries ("Nonutility Subsidiaries") National Fuel Gas Supply Corporation ("Supply"), Empire State Pipeline ("Empire"), Upstate Energy Inc. ("Upstate"), all at 10 Lafayette Square, Buffalo, New York 14203, National Fuel Resources, Inc. ("Resources"), 165 Lawrence Bell Drive, Suite 120, Williamsville, New York 14221, and Seneca Resources Corporation, 1201 Louisiana Street, Suite 400, Houston, Texas 77002 ("Seneca" and collectively, "Applicants"), have filed an application-declaration with the Commission under sections 6(a), 7, 9(a), 10, 12(c) and 12(f) of the Act and rules 23, 45, 46 and 54 under the Act.

#### I. Background

##### A. Applicants

National Fuel Gas, through its direct and indirect subsidiaries, is engaged in all phases of the natural gas business: Exploration, production, purchasing, gathering, processing, transportation, storage, retail distribution and wholesale and retail marketing. The company owns all of the issued and outstanding common stock of National Fuel Gas Distribution Corporation ("Distribution"), a gas-utility company that distributes natural gas at retail to approximately 732,000 residential, commercial and industrial customers (including transportation-only customers) in portions of western New York and northwestern Pennsylvania. For the twelve months ended June 30, 2003, National Fuel Gas had operating revenues of approximately \$2 billion, of which \$1.1 were attributable to regulated gas utility sales, \$200 million to pipeline and storage operations, and \$300 million to exploration and production activities. As of June 30, 2003, National Fuel Gas and its subsidiaries had total assets valued at approximately \$3.8 billion, including \$1.3 billion in net utility (*i.e.*, distribution) plant, \$786 million in net pipeline and storage plant, and \$1.1 billion in next exploration and

<sup>1</sup> LG&E Energy owns two public utility subsidiaries: Louisville Gas and Electric Company and Kentucky Utilities Company.