

investigating or prosecuting that violation and/or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(ii) In a proceeding before a court or adjudicative body before which OPIC is authorized to appear when any of the following is a party to litigation or has an interest in litigation and information in this system is determined by OPIC to be arguably relevant to the litigation: OPIC; any OPIC employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where OPIC determines that the litigation is likely to affect it.

(iii) To a court, a magistrate, administrative tribunal, or other adjudicatory body in the course of presenting evidence or argument, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings.

(iv) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the written request of the individual who is the subject of the record.

(v) To another Federal agency or other public authority, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(vi) To the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(vii) To the employees of entities with which OPIC contracts for the purposes of performing any function that requires disclosure of records in this system. Before entering into such a contract, OPIC shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR RESTORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM**

**STORAGE:**

Records are stored electronically on OPIC's computer network or on backup media such as tape and/or CD-ROM. Copies of records may be stored in hard copy format in file folders in secure file cabinets accessible only by authorized individuals either onsite at OPIC or at approved offsite locations.

**RETRIEVABILITY:**

Records are retrieved by the names of the individuals covered by the system and may be searched and indexed by any field within the record.

**SAFEGUARDS:**

Access to and use of each of the records in the system are limited to persons whose official duties require such access. Information contained in the system is safeguarded and protected through physical and system-based safeguards, including system access controls. Retention and disposal: Records related to post-employment conflict of interest debriefings are retained for six years following separation from employment. All other records are retained for two years following separation from employment or contractual relationship with OPIC. All records are destroyed pursuant to existing General Records Schedules and OPIC records disposition schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Operations, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527.

**NOTIFICATION PROCEDURE:**

Requests by individuals concerning the existence of a record may be submitted in writing, addressed to the system manager above. The request must comply with the requirements of 22 CFR 707.21(b).

**RECORD ACCESS PROCEDURES:**

Same as notification procedure.

**CONTESTING RECORD PROCEDURES:**

Requests by individuals to amend their record must be submitted in writing, addressed to the system manager above. Requests for amendments to records and requests for review of a refusal to amend a record must comply with the requirements of 22 CFR 707.22.

**RECORD SOURCE CATEGORIES:**

Federal agencies conducting background investigations under agreements with OPIC or under

agreements with contracting agencies with whom OPIC has a contractual relationship; individuals on whom the records are maintained; and OPIC staff involved in the employee exit process.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: September 29, 2004.

**Connie M. Downs,**

*Corporate Secretary, Department of Legal Affairs.*

[FR Doc. 04-22230 Filed 10-1-04; 8:45 am]

**BILLING CODE 3210-01-M**

**POSTAL SERVICE**

**Change to the Retirement Plan for Manually Set Postage Meters**

**AGENCY:** Postal Service.

**ACTION:** Notice of change to the Retirement Plan for Manually Set Postage Meters.

**SUMMARY:** By this notice, the Postal Service™ revises the Retirement Plan for Manually Set Postage Meters, published in the **Federal Register** on December 13, 2000, pages 77934-77938, for meters with lease expiration dates on or after October 1, 2004. The retirement date for these manually set electronic meters will be May 31, 2005. The Postal Service will no longer reset electronic manually set meters after February 28, 2005.

**DATES:** This notice is effective on October 4, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Wayne A. Wilkerson, manager of Postage Technology Management, at (703) 292-3691 or by fax at (703) 292-4073.

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** on June 15, 2004, pages 33429-33430, with comments due on or before July 15, 2004. Written comments were received from the vendor community. There was no opposition to the proposal to retire all manually set electronic meters from service by May 31, 2005.

An exception was taken to the proposed restriction on replacing a malfunctioning manually set meter with a functional meter of the same model. The Postal Service reconsidered its proposal and removed this restriction. Replacement meters will be permitted up to February 28, 2005.

You can review the comments received by submitting a request to the office of Postage Technology Management at (703) 292-3691 or by fax at (703) 292-4073.

The final plan follows.

### The Revised Plan For Manually Set Postage Meters

The Postal Service retirement date for manually set electronic meters with lease expiration dates on or after October 1, 2004, will be May 31, 2005. The Postal Service will no longer reset electronic manually set meters after February 28, 2005. Anyone in possession of a manually set meter must return it to the meter provider on or before May 31, 2005. The meter provider will withdraw the meter from service.

Any manually set electronic postage meter that is capable of remote meter setting must be either converted to remote meter setting or retired from service and returned to the meter provider. The function that allows manual setting must be disabled.

The manager of Postage Technology Management, Postal Service Headquarters, will send official notification to those affected users with an explanation of this plan. Any other explanation received by users may not accurately represent the position of the Postal Service.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 04-22232 Filed 10-1-04; 8:45 am]

BILLING CODE 7710-12-P

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27897]

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

September 28, 2004.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to 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 October 20, 2004, 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 October 20, 2004, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### Allegheny Energy, Inc. (70-10247)

Allegheny Energy, Inc. ("Allegheny"), a registered holding company under the Act, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, has filed a declaration ("Declaration") under section 12(d) and rule 44 of the Act.

Allegheny requests authorization to sell its nine percent ownership interest in Ohio Valley Electric Corporation ("OVEC") to Buckeye Power Generating, LLC ("Buckeye Power"), an affiliate of Buckeye Power Inc. OVEC is a public utility company under the Act.

OVEC was formed in the early 1950s by a group of holding companies and utilities located in the Ohio Valley region in response to the request of the United States Atomic Energy Commission ("AEC") to supply the electric power and energy necessary to meet the needs of a uranium enrichment plant being built by the AEC in Pike County, Ohio. The holding companies that directly or indirectly own 10 percent or more of OVEC's stock, each of which is a registered holding company, are: Allegheny (12.5%),<sup>1</sup> American Electric Power Company, Inc. ("AEP") (44.2%) and FirstEnergy Corp. ("FirstEnergy") (20.5%).<sup>2</sup>

OVEC owns two coal-fired generating stations: (1) The Kyger Creek Plant in Cheshire, Ohio, which has a generating capacity of 1,075 megawatts, and (2) the

<sup>1</sup> In addition to the nine percent ownership interest in OVEC that is the subject of this Declaration, Allegheny owns another direct 3.5 percent interest in OVEC. Monongahela receives power from OVEC under an entitlement to power associated with this 3.5 percent interest. Allegheny is not proposing to transfer this 3.5 percent interest at this time.

<sup>2</sup> The following is a complete list of owners of OVEC's stock: Allegheny (12.5%); AEP (39.9%); Cincinnati Gas & Electric Company (9.0%); Columbus Southern Power Company, a subsidiary of AEP (4.3%); The Dayton Power and Light Company (4.9%); Kentucky Utilities Company (2.5%); Louisville Gas and Electric Company (4.9%); Ohio Edison Company, a subsidiary of FirstEnergy (16.5%); Southern Indiana Gas and Electric Company (1.5%); and The Toledo Edison Company, a subsidiary of FirstEnergy (4.0%). Each of these companies is either an original owner of OVEC's stock or a successor to an original owner. These companies are referred to in this Declaration as the "Sponsoring Companies."

Clifty Creek Plant in Madison, Indiana, which has a generating capacity of 1,290 megawatts and is owned by OVEC's wholly-owned subsidiary, Indiana-Kentucky Electric Corporation. Originally, the Department of Energy ("DOE") purchased essentially all of the generating capacity of OVEC's generating facilities. However, DOE terminated its purchase agreement on April 30, 2003, and each of the Sponsoring Companies currently is entitled to its specified share of all net power and energy produced by OVEC's two generating stations.<sup>3</sup>

Buckeye Power, Inc., is a member-owned generation and transmission cooperative based in Columbus, Ohio that supplies power and energy to all the electric distribution cooperatives that serve customers in Ohio. The certified service territory of these distribution cooperatives covers nearly 40 percent of the land area in the State and encompasses 77 of Ohio's 88 counties.

On May 17, 2004, Allegheny signed a purchase agreement ("Purchase Agreement") under which Allegheny will sell a nine percent equity interest in OVEC, and Allegheny Energy Supply Company, LLC ("AE Supply"), will assign its rights to nine percent of the power generated by OVEC, to Buckeye Power for \$102 million in cash and the assumption of approximately \$37 million in debt by Buckeye Power ("Purchase Price"). Of the total cash component of the Purchase Price, \$7,140,000 represents the price for the transfer of Allegheny's nine percent equity interest in OVEC, the transaction for which authority is being sought in this Application. The remainder represents the price for the assignment of AE Supply's rights under the OVEC Inter-Company Power Agreement ("OVEC Power Agreement") to nine percent of the power generated by OVEC.<sup>4</sup>

Allegheny maintains that the sale and assignment of these various interests is consistent with Allegheny's strategic goals of improving its financial strength

<sup>3</sup> By letter dated September 29, 2000, the DOE notified OVEC that it had elected to terminate the power agreement as of April 30, 2003. Allegheny understands that the DOE currently maintains its uranium enrichment plant in "cold standby" status and is exploring various options for the plant and the Ohio site. OVEC currently provides retail service to DOE through an "arranged power" agreement under which OVEC procures power and energy for DOE at cost from third parties.

<sup>4</sup> AE Supply will retain the right to nine percent of the power from OVEC until March 12, 2006, at which time Buckeye Power will begin to receive the power. The time for receipt of power by Buckeye Power may be accelerated upon occurrence of certain events relating to the financial condition of Allegheny.