

formula, a large cable system is required to pay a specified percentage of its gross receipts for each distant signal that it retransmits.

Congress established the gross receipts limitations that determine a cable system's size, and provided the gross receipts percentages (*i.e.*, the royalty rates) for distant signals. 17 U.S.C. 111(d)(1). It also provided for adjustment of both the gross receipts limitations and the distant signal rates. 17 U.S.C. 801(b)(2). The limitations and rates can be adjusted to reflect national monetary inflation, changes in the average rates charged by cable systems for the retransmission of broadcast signals, or changes in certain cable rules of the Federal Communications Commission in effect on April 15, 1976. 17 U.S.C. 801(b)(2)(A), (B), (C) and (D). Prior rate adjustments of the Copyright Royalty Tribunal made under section 801(b)(2)(B) and (C) may also be reconsidered at five-year intervals. 17 U.S.C. 803(b). The current gross receipts limitations and rates are set forth in 37 CFR 256.2. Rate adjustments are now made by a Copyright Arbitration Royalty Panel (CARP), subject to review by the Librarian of Congress.

Section 803 of the Copyright Act provides that the gross receipts limitations and royalty rates may be adjusted every five years beginning with 1995, making this a royalty adjustment year, upon the filing of a petition from a party with a "significant interest" in the proceeding. If the Librarian determines that a petitioner has a "significant interest" in the royalty rate or rates in which adjustment is requested, the Librarian must convene a CARP to determine the adjustment. 17 U.S.C. 803(a)(1). Section 251.63 of the Library's rules provides that "[t]o allow time for the parties to settle their differences concerning * * * rate adjustments, the Librarian of Congress shall * * * designate a 30-day period for negotiation of a settlement. The Librarian shall cause notice of the dates for that period to be published in the **Federal Register**." 37 CFR 251.63(a).

II. Petitions

In this window year for filing petitions to adjust the cable rates and gross receipts limitations, the Library has already received two. Both petitions come from copyright owner groups: the first filed on behalf of the National Basketball Association, the National Hockey League, Major League Baseball, and the National Collegiate Athletic

royalty fee which must be paid. This minimum fee is not applied, however, once the cable system carries one or more distant signals.

Association (collectively, the "Joint Sports Claimants"), and the second filed on behalf of Program Suppliers.

Both petitioners seek adjustment of the cable rates, and both assert they have a significant interest in the adjustment based upon their longtime status as recipients of royalty fees submitted under the cable statutory license. Consistent with 17 U.S.C. 803(a)(1), the Library seeks comment as to whether Joint Sports Claimants and Program Suppliers have a significant interest in the adjustment of the cable rates. Comments are due no later than April 6, 2000.

III. Negotiation Period and Notices of Intent To Participate

As discussed above, the Library's rules require that a 30-day negotiation period be prescribed by the Librarian to enable the parties to a rate adjustment proceeding to settle their differences. 37 CFR 251.63(a). The rules also require interested parties to file Notices of Intent to Participate with the Library. 37 CFR 251.45(a). Consequently, in addition to requiring parties to file comments on the Joint Sports Claimants' and Program Suppliers' petitions, the Library is directing parties to file their Notices of Intent to Participate on the same day, April 6, 2000.² Failure to file a timely Notice of Intent to Participate will preclude a party from further participation in this proceeding.

The 30-day negotiation period shall begin on April 10, 2000, and conclude on May 10, 2000. Those parties that have filed Notices of Intent to Participate are directed to submit to the Library a written notification of the status of their settlement negotiations no later than May 11, 2000. If, after the submission of these notifications, it is clear that no settlement has been reached, the Library will issue a scheduling order for a CARP proceeding to resolve this rate adjustment proceeding.

Dated: February 22, 2000.

David O. Carson,
General Counsel.

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² The Library is changing its practice to require Notices of Intent to Participate to be filed prior to the start of the 30-day negotiation period, rather than at the end. The purpose of the change is to identify the participants to the proceeding before the negotiation period in order to facilitate complete settlements among all interested parties.

NATIONAL WOMEN'S BUSINESS COUNCIL

Sunshine Act Meeting

SUMMARY: In accordance with the Women's Business Ownership Act, Public Law 105-135 as amended, the National Women's Business Council (NWBC) announces a forthcoming Council meeting and joint meeting of the NWBC and Interagency Committee on Women's Enterprise. The meetings will cover action items worked on by the National Women's Business Council and the Interagency Committee on Women's Enterprise included but not limited to procurement, access to capital and training.

Date: March 14, 2000.

Address:

Joint Meeting

The White House/Old Executive Office Building/Indian Treaty Room, (17th & Penn. Entrance) Washington, DC, 10:30 am to 12:30 pm.

Note: No admittance without prior official clearance. Please have a photo ID.

Date: March 15, 2000.

Address:

Council Meeting

The Hay Adams Hotel/Concorde Room, (16th & H Streets, NW) Washington, DC, 8:00 am to 2:00 pm.

Status: Open to the public.

Contact: National Women's Business Council, 409 Third Street, SW, Suite 210, Washington, DC 20024, (202) 205-3850.

Note: Please call by March 10, 2000.

Gilda Presley,

Administrative Officer, National Women's Business Council.

[FR Doc. 00-4818 Filed 2-24-00; 3:30 pm]

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NUCLEAR REGULATORY COMMISSION

Docket No. 50-247

Consolidated Edison Company of New York, Inc., Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-

26 issued to Consolidated Edison Company of New York, Inc (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The proposed amendment would revise Technical Specifications (TSs) associated with the degraded voltage trip and the under-frequency reactor trip surveillance tests. For the degraded voltage trip, the proposed amendment would revise TS to specify detailed operator actions to be taken if the minimum conditions could not be met rather than simply stating "Cold Shutdown." The 6.9 kV under-frequency and reactor trip surveillance tests currently combine voltage and frequency testing under one item. The proposed TS amendment would separate the 6.9 kV voltage testing from the frequency testing and specify separate test requirements. In addition, the proposed TS amendment would require more frequent testing of the 480 volt emergency bus undervoltage reactor trip.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. This proposed change is administrative in nature. This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase the probability or in the

consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

No. This proposed change is administrative in nature. Since there are no changes to the operation or the physical design of the facility, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of

Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below. By March 29, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Brent L. Brandenburg, Assistant General Counsel, Consolidated Edison Company of New York, Inc., 4 Irving Place—1822, New York, NY 10003, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors.

For further details with respect to this action, see the application for amendment dated July 26, 1999, as supplemented on January 20, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 22nd day of February 2000.

For the Nuclear Regulatory Commission.

Jeffrey F. Harold,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation

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NUCLEAR REGULATORY COMMISSION

[License 02-08779-01—Docket 30-03583]

Department of the Interior, Geological Survey, WRD, Arizona District: Termination of Material License; Finding of No Significant Impact and Notice of Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC) is considering

terminating Material License 02-08779-01. This would allow the United States Geological Survey (USGS) to discontinue licensed maintenance activities for a radioactive 2.5 Ci ²⁴¹Americium—Beryllium (Am-Be) well logging source that it was unable to retrieve from an artesian well (#10) in the San Bernardino National Wildlife Refuge (SBNWR), Arizona. As a condition for the license termination, USGS would need to satisfactorily implement abandonment procedures for the well logging source as described in 10 CFR 39.15(a)(5).

Summary of the Environmental Assessment

Identification of the Proposed Action

The proposed action would terminate USGS's Material License 02-08779-01. With this termination, the USGS would be able to discontinue licensed maintenance activities for a 2.5 Ci ²⁴¹Am-Be well logging source that was determined to be irretrievable from well #10 in the San Bernardino National Wildlife Refuge.

The Need for the Proposed Action

The proposed action would determine if the license should be terminated. USGS previously took action to fulfill its obligation under NRC regulations to implement abandonment as described in 10 CFR 39.15(a)(5) by attempting to seal the source in place with cement. However, follow-up visual examination of the well with a downhole camera produced no evidence that the cement plug actually formed. The radioactive source has been underwater in the well for almost 12 years and USGS has conducted periodic sampling. During that time, the intermittent monitoring by USGS has not conclusively indicated whether or not water from the well has been contaminated by the source.

USGS has requested permission from the NRC to cease its monitoring activities and end USGS responsibilities related to the Am-Be source. Because of uncertainties related to the condition of the stainless steel source container, the effectiveness of a cement plug already installed, the impact additional attempts to recover the source may impose, and concerns about the potential for future contamination, NRC decided to prepare an environmental assessment (EA) to analyze three alternatives for final disposition of the Am-Be source: (1) Abandonment in place; (2) source retrieval; and (3) the no-action alternative.