

**FOR FURTHER INFORMATION CONTACT:**

David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel ("CARP"), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:****Background**

Section 251.72 of 37 CFR provides:

If the Librarian determines that a controversy exists among claimants to either cable, satellite carrier, or digital audio recording devices and media royalties, the Librarian shall publish in the **Federal Register** a declaration of controversy along with a notice of initiation of an arbitration proceeding. Such notice shall, to the extent feasible, describe the nature, general structure and schedule of the proceeding.

The notice published today fulfills the requirements of § 251.72 for the distribution of DART royalties in the Musical Works Funds for the years 1995, 1996, 1997, and 1998.

On May 4, 1999, the Copyright Office published a notice in the **Federal Register** requesting comment as to the existence of a controversy concerning the distribution of the 1995, 1996, 1997, and 1998 DART royalty fees in the Musical Works Funds and consolidating the consideration of the distribution of the 1995-98 Musical Works Funds into a single proceeding. 64 FR 23875 (May 4, 1999). The following parties filed comments and Notices of Intent to Participate: Carl DeMonbrun/Polyphonic Music, Inc. ("DeMonbrun"); Broadcast Music, Inc. ("BMI"), the American Society of Composers, Authors and Publishers ("ASCAP"), SESAC, Inc. ("SESAC"), the Harry Fox Agency ("HFA"), the Songwriters Guild of America ("SGA"), and Copyright Management, Inc. ("CMI") (collectively the "Settling Parties"); James Cannings/Can Can Music ("Cannings"); Alicia Carolyn Evelyn ("Evelyn"); and Eugene "Lambchops" Curry/Tajai Music, Inc. ("Curry").

On September 21, 1999, the Office issued an Order announcing the precontroversy discovery schedule for the proceeding, beginning on November 15, 1999. See Order in Docket No. 99-3 CARP DD 95-98 (September 21, 1999). Prior to commencement of the 45-day precontroversy discovery period, the Office was notified that Cannings and DeMonbrun had settled their respective controversies with the Settling Parties. Thus, the parties who will appear before the CARP in the current proceeding are the Settling Parties, Evelyn, and Curry.

On November 15, 1999, the Settling Parties filed a motion requesting that the

controversy be decided on the basis of written pleadings. The Office designated to the CARP the issue of whether to suspend formal hearings and decide the case on the written pleadings. See Order in Docket No. 99-3 CARP DD 95-98 (December 22, 1999).

The September 21, 1999, Order also set the initiation of the arbitration for February 28, 2000. However, the Office's duty to publish every two years a new list of arbitrators eligible to serve on a CARP rendered the February 28 initiation date unworkable. See 37 CFR 251.3. On January 14, 2000, in accordance with § 251.3(b), the Office published the list of arbitrators eligible to serve on a CARP initiated during 2000 and 2001. 65 FR 2439 (January 14, 2000). Because the time period between the publication of the arbitrator list and the February 28 initiation date was not sufficient to complete the selection of arbitrators for this proceeding, the Office reset the initiation of the arbitration to April 10, 2000. See Order in Docket No. 99-3 CARP DD 95-98 (March 14, 2000).

**Selection of Arbitrators**

Section 802(b) of the Copyright Act instructs the Librarian to select two arbitrators within 10 days of initiation of the proceeding. The Librarian has already completed this task, and the two arbitrators are:

The Honorable John B. Farmakides

The Honorable Harold E. Himmelman

The third arbitrator, who shall serve as Chairperson, will be selected in accordance with section 802(b).

**Initiation of Proceeding**

Pursuant to § 251.72 of 37 CFR, the Copyright Office of the Library of Congress is formally announcing the existence of controversies in the distribution of digital audio recording technology royalties in the Musical Works Funds for the years 1995, 1996, 1997, and 1998, and is initiating an arbitration proceeding under chapter 8 of title 17 of the United States Code to resolve distribution of these funds. The arbitration proceeding commences on April 10, 2000, and runs for a period of 180 days. The arbitrators shall file their written report with the Librarian of Congress by October 10, 2000, in accordance with § 251.53 of 37 CFR.

Scheduling of the 1995-98 DART royalty distribution proceeding is within the discretion of the CARP. The Library will publish the schedule of the proceedings, as required by 37 CFR 251.11(b), as soon as it is available.

Dated: April 4, 2000.

**David O. Carson,**  
*General Counsel.*

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**BILLING CODE 1410-33-P**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****Records Schedules; Availability and Request for Comments**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before May 25, 2000. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740-6001. Requests also may be transmitted by FAX to 301-713-6852 or by e-mail to records.mgt@arch2.nara.gov. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the

schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:**

Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: (301)713-7110. E-mail: records.mgt@arch2.nara.gov.

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too

includes information about the records. Further information about the disposition process is available on request.

**Schedules Pending**

1. Department of the Army, Deputy Chief of Staff for Intelligence (N1-AU-99-12, 4 items, 4 temporary items). Records relating to Sensitive Compartmented Information (SCI) personnel matters, SCI contractor operations, SCI facility accreditations, and physical security. Files pertain to such subjects as personnel indoctrinations and debriefings, visit requests, periodic investigations, contract security classification specifications, facility assessments and risk analyses, and surveillance countermeasures inspections. Also included are electronic copies of records created using electronic mail and word processing. This schedule allows earlier disposal of recordkeeping copies of these files, which were previously approved for disposal.

2. Department of Commerce, Bureau of Export Administration (N1-476-00-1, 18 items, 18 temporary items). Administrative and operational records of the Information Technology Team that are used to support the processing of data declarations received from the U.S. chemical industry under the Chemical Weapons Convention. Records include chemical determinations, facility agreements, meeting minutes, administrative manuals, chronological files, working papers, and an information system containing data declarations from chemical facilities that have been imaged. Also included are electronic copies of records created using electronic mail and word processing.

3. Department of Health and Human Services, Centers for Disease Control (N1-442-99-2, 6 items, 4 temporary items). Input sources for the Longitudinal Study of Aging, 1984-1990, including interview questionnaire forms, electronic data extracted from Medicare and National Death Index databases, and software and computer manuals used to access and interpret the data. Proposed for permanent retention are the master data files and supporting documentation.

4. Department of the Interior, Bureau of Land Management (N1-49-99-1, 2 items, 2 temporary items). Electronic copies of records created using electronic mail and word processing that relate to mineral lease sale files. Also included are recordkeeping copies of files that relate to nominations for parcels that are unavailable for leasing. Recordkeeping copies of other mineral

lease sale records were previously scheduled, including final reports and maps, which are scheduled for permanent retention.

5. Department of Justice, United States Marshals Service (N1-527-00-1, 2 items, 2 temporary items). Century Date Conversion (Y2K) records that pertain to Year 2000 efforts. Records relate to the development of plans and strategies, the review of computer systems and applications, remedial efforts, and program reviews. Included are plans, contracts, policy letters, and correspondence. Also included are electronic copies of documents created using electronic mail and word processing.

6. Department of Justice, Drug Enforcement Administration (N1-170-00-1, 9 items, 6 temporary items). Chronological files of the Administrator and Deputy Administrator and records pertaining to the activities of the Executive Assistant and Special Assistant to the Administrator. Also included are electronic copies of documents created using electronic mail and word processing that are associated with files accumulated in the Office of the Administrator. Proposed for permanent retention are the Administrator's subject files, briefing books, appointment schedules, and committee and conference records.

7. Department of Justice, Justice Management Division (N1-60-00-7, 2 items, 2 temporary items). Century Date Conversion (Y2K) records that pertain to Year 2000 efforts. Records relate to the development of plans and strategies, the review of computer systems and applications, remedial efforts, and program reviews. Included are plans, contracts, policy letters, and correspondence. Also included are electronic copies of documents created using electronic mail and word processing.

8. Department of Justice, Federal Bureau of Prisons (N1-129-00-3, 5 items, 3 temporary items). Records accumulated in wardens' offices at correctional facilities. Included are strategic planning records and correspondence files pertaining to such matters as staff meetings, congressional inquiries stemming from inmate complaints, emergency guidelines, awards, program reviews, and weekly activities of component units of the facility. Also included are electronic copies of documents created using electronic mail and word processing. Audiovisual records, such as still and motion pictures, audio tapes, and video tapes, are proposed for permanent retention as are institution-specific supplements that adjust national

policies to meet the needs of individual facilities.

9. Department of Justice, Federal Bureau of Prisons (N1-129-00-4, 4 items, 4 temporary items). Records accumulated at correctional facilities consisting of chronological files, reference/subject files, and records relating to audits of the facility. Also included are electronic copies of documents created using electronic mail and word processing.

10. Department of Justice, Federal Bureau of Prisons (N1-129-00-7, 2 items, 2 temporary items). Chaplain records consisting of such files as correspondence with local churches and religious groups, meeting minutes, and lists of inmates' religious preferences. Also included are electronic copies of documents created using electronic mail and word processing.

11. Department of Justice, Federal Bureau of Prisons (N1-129-00-8, 7 items, 7 temporary items). Records relating to inmate education programs. Included are such records as enrollment listings, general equivalency diploma test scores, lesson plans, files documenting student progress, class transcripts, and minutes of meetings of education advisory committees. Also included are electronic copies of documents created using electronic mail and word processing.

12. Department of Labor, Office of Inspector General (N1-174-00-1, 14 items, 13 temporary items). Records relating to investigations of allegations of fraud, abuse, and violation of laws and regulations relating to agency personnel, programs, and operations. Included are investigative case files, an electronic case tracking system, and an electronic system containing information concerning alleged criminal activity. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of significant investigative case files are proposed for permanent retention.

13. Department of State, Office of the Legal Adviser (N1-59-00-6, 2 items, 2 temporary items). Non-precedent and non-historical extradition case files that were accumulated prior to 1974. Also included are electronic copies of documents relating to extradition case files that are created using electronic mail and word processing. Recordkeeping copies of case files that are historically valuable or established precedents were previously approved for permanent retention. Recordkeeping copies of files postdating 1974 were previously approved for disposal.

14. Department of Transportation, Federal Highway Administration (N1-

406-99-2, 2 items, 2 temporary items). Records relating to highway construction and rehabilitation projects on non-Federal property accumulated after 1966. Included are such records as letters of authorization, inspection reports, project agreements, project modification documents, and copies of construction contracts. Also included are electronic copies of documents created using electronic mail and word processing. Financial information concerning projects is included in the agency's Fiscal Management Information System, which was previously approved for permanent retention. Any individual project files identified as historically valuable by the agency will be appraised by NARA on a case-by-case basis.

15. Department of Transportation, Research and Special Programs Administration (N1-467-00-1, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that are associated with case files accumulated in connection with applications for relief from an agency regulation. This schedule also authorizes the agency to destroy paper records after they have been imaged and to retain scanned files longer than the previously approved retention period if they are needed for reference purposes.

16. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms (N1-436-00-1, 1 item, 1 temporary item). Product Compliance Branch label applications records, including applications, denials, and related papers. This schedule reduces the retention period for these records, which were previously approved for disposal.

17. Department of the Treasury, Office of the Comptroller of the Currency (N1-101-97-1, 8 items, 8 temporary items). Electronic information systems of the Office of Bank Supervision Policy concerning the assessment and supervision of financial institutions. Included are master files and documentation for the Foreign Branches System, the National Bank Surveillance Video Display System, the Supervisory Monitoring System, and the Text Processing System.

18. Advisory Commission on Electronic Commerce, Agency-wide (N1-220-00-3, 17 items, 9 temporary items). Copies of **Federal Register** notices, video recordings of Commission meetings, press clippings, meeting arrangement files, financial records, research documents used to prepare the Commission's final report, public mail, and electronic copies of documents created using electronic mail and word

processing. Proposed for permanent retention are such records as the Commission's charter and other records pertaining to its establishment and mission, transcripts of Commission meetings, chronological files, press releases, and the Commission's final report.

19. Armed Forces Retirement Home, Agency-wide (N1-231-00-1, 4 items, 4 temporary items). Records relating to the health care of residents of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the United States Naval Home. Included are such records as forms, reports, x-rays, and laboratory findings. Also included are electronic copies of documents created using electronic mail and word processing.

20. Environmental Protection Agency, Agency-wide (N1-412-99-12, 2 items, 2 temporary items). Agendas, meeting minutes, reports, and other records relating to internal agency committees and non-rulemaking work groups, including electronic copies of documents created using electronic mail and word processing. The schedule makes minor changes in the disposition instructions for recordkeeping copies of these files, which were previously approved for disposal.

21. Environmental Protection Agency, Agency-wide (N1-412-99-10, 9 items, 7 temporary items). Electronic and paper records relating to the agency's responsibility under its acid rain program to monitor the emissions of utility plants and the compliance by the utilities with the Clean Air Act. Software associated with three electronic systems is proposed for disposal. Electronic data and related documentation for an electronic system used to document authorizations to emit sulfur dioxide are proposed for disposal as are the data and documentation for a system pertaining to acid rain. The documentation and electronic data associated with the Emissions Tracking System are proposed for permanent retention. This electronic system tracks emissions from utilities under the acid rain program.

22. Federal Energy Regulatory Commission, Agency-wide (N1-138-99-4, 3 items, 3 temporary items). Records relating to planning, administering, and conducting management studies and surveys. Files pertain to such subjects as staffing levels, turnover rates, reference room operations, and duplicating services. Included are final reports, briefing material, work papers, and project plans. Also included are electronic copies of documents created using

electronic mail and word processing. Recordkeeping copies of files relating to substantive organizational changes were previously approved for permanent retention.

23. Federal Retirement Thrift Investment Board, Office of General Counsel (N1-474-00-1, 3 items, 3 temporary items). Electronic copies of documents created using electronic mail and word processing that pertain to legal opinions. This schedule also proposes for disposal an electronic file that contains digests and scanned images of legal opinions and provides for a reduction in the retention period for recordkeeping copies of these opinions, which were previously approved for disposal.

24. National Archives and Records Administration, Agency-wide (N1-64-00-6, 6 items, 6 temporary items). Century Date Conversion (Y2K) policy, planning, and implementation records. Included are such records as project plans, minutes of meetings, decision documents, continuity and contingency plans, documents relating to specific applications and systems reviewed, implementation plans, budget files, and Inspector General inquiries. Also included are electronic copies of documents created using electronic mail and word processing.

Dated: April 4, 2000.

**Michael J. Kurtz,**

*Assistant Archivist for Record Services,  
Washington, DC.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

### **AmerGen Energy Company, LLC, Three Mile Island Nuclear Station, Unit 1; Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-50 for Three Mile Island Nuclear Station, Unit 1 (TMI-1), held by AmerGen Energy Company, LLC (AmerGen), as the owner and licensed operator. The transfer would result from the acquisition of PECO Energy Company's (PECO's) existing interest in AmerGen by a new generation company. This company, presently referred to in the subject application described below

as GENCO, is to be a subsidiary of a new holding company, Exelon Corporation, formed from the proposed merger between PECO and Unicom Corporation (Unicom). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. The facility is located in Dauphin County, Pennsylvania.

According to an application for approval filed by AmerGen, AmerGen is a limited liability company formed to acquire and operate nuclear power plants in the United States. British Energy, Inc., and PECO each own 50 percent of AmerGen. Following completion of the merger between Unicom and PECO, GENCO will acquire PECO's existing 50-percent ownership interest in AmerGen. AmerGen, as owned by GENCO and British Energy, Inc., will continue to be responsible for the operation, maintenance, and eventual decommissioning of TMI-1. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendment to the operating license would add language to the license transfer conditions that were incorporated into the TMI-1 Operating License upon the initial transfer of the license to AmerGen to reflect the transfer of PECO's ownership interest in AmerGen to a new entity.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10

CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By May 1, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Kevin P. Gallen, Esq., Morgan, Lewis & Bockius LLP, 1800 M Street, NW., Washington, DC 20036-5869 (phone 202-467-7462, fax 202-467-7176, or e-mail kpgallen@mlb.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 10, 2000, persons may submit