

limitations, pursuant to 17 U.S.C. 801(b)(2)(D). The details of the adjustments are as follows.

With respect to rates, the joint proposal raises the basic (or minimum) fee for providing broadcast stations from .893 of 1 per centum to .956 of 1 per centum of gross receipts for the privilege of further transmitting any non-network programming of a primary transmitter in whole or in part beyond the local service area of such primary transmitter; the fee for the first distant signal equivalent from .893 of 1 per centum to .956 of 1 per centum of gross receipts; the fee for the second, third, and fourth distant signal equivalent from .563 of 1 per centum to .630 of 1 per centum of gross receipts; and the fee for the fifth distant signal equivalent and each distant signal equivalent thereafter, from .265 of 1 per centum to .296 of 1 per centum of gross receipts.

With respect to the gross receipts limitations which determine the size of a cable system (small, medium or large) and the royalty fee percentages that apply to those characterizations, the joint proposal puts forward increases as well. The gross receipts threshold for determining when a cable system is a small system would be raised from \$75,800 to \$98,600. Medium-sized cable systems have two methods of calculating their royalties, depending upon which side of the limitation threshold their gross receipts result. That threshold would be raised from \$146,000 to \$189,800, with the minimum reportable gross receipts over \$189,800 being raised from \$5,600 to \$7,400. Finally, the gross receipts limitation for determining a large cable system would be raised from \$292,000 to \$379,600.

The joint proposal establishes July 1, 2000, as the effective date of these rates, meaning that they would apply to royalty calculations and payments made by cable systems beginning with the second accounting period of 2000.

III. Proposed Rulemaking

As noted above, the Library is publishing the terms of the joint proposal as proposed amendments to parts 201 and 256 of its rules. Any party who wishes to challenge these proposed rules must submit its written comments to the Librarian of Congress no later than close of business on October 12, 2000. The content of the written challenge should describe the party's interest in this proceeding, the proposed rule or rules that the party finds objectionable, and the reasons for the challenge.

In addition, any party submitting written challenges must also submit an

accompanying Notice of Intent to Participate in a CARP proceeding to adjust the cable rates and gross receipts limitations. It should be understood that anyone who challenges the proposed rules must be willing to fully participate in a CARP proceeding and have a significant interest in the adjustment of the rates. Failure to submit a Notice of Intent to Participate will preclude an interested party from participating in this proceeding and will preclude consideration of his or her written challenge. Any interested party that does file a Notice of Intent to Participate will be notified as to when the CARP proceeding will commence and when written direct cases will be due.

List of Subjects

37 CFR Part 201

Copyright, Procedures.

37 CFR Part 256

Cable television, Royalties.

For the reasons set forth in the preamble, the Library proposes to amend 37 CFR parts 201 and 256 as follows:

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.17 Statements of Account covering compulsory licenses for secondary transmissions by cable systems.

2. In § 201.17(d)(2), remove “\$292,000” each place it appears and add “\$379,600” in its place.

3. In § 201.17(e)(12), remove “\$75,800” and add “\$98,600” in its place.

4. In § 201.17(g)(2)(ii), remove “.893” and add “.956” in its place.

PART 256—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE

5. The authority citation for part 256 continues to read:

Authority: 17 U.S.C. 702, 802.

§ 256.2 Royalty fee for compulsory license for secondary transmission by cable systems.

6. In § 256.2(a), introductory text, remove the phrase “the first semiannual accounting period of 1985” and add the phrase “the second semiannual accounting period of 2000” in its place.

7. In § 256.2(a)(1), remove “.893” and add “.956” in its place.

8. In § 256.2(a)(2), remove “.893” and add “.956” in its place.

9. In § 256.2(a)(3), remove “.563” and add “.630” in its place.

10. In § 256.2(a)(4), remove “.265” and add “.296” in its place.

11. In § 256.2(b), introductory text, remove the phrase “the first semiannual accounting period of 1985” and add the phrase “the second semiannual accounting period of 2000” in its place.

12. In § 256.2(b)(1), remove “\$146,000” and add “\$189,800” in its place, and remove “\$5,600” and add “\$7,400” in its place.

13. In § 256.2(b)(2), remove “\$146,000” each place it appears, and add “\$189,800” in its place, and remove “\$292,000” each place it appears and add “\$379,600” in its place.

Dated: September 7, 2000.

David O. Carson,

General Counsel.

[FR Doc. 00-23388 Filed 9-11-00; 8:45 am]

BILLING CODE 1410-33-P

DEPARTMENT OF DEFENSE

48 CFR Part 204

[DFARS Case 2000-D002]

Defense Federal Acquisition Regulation Supplement; Closeout of Foreign Military Sales Contract Line Items

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: DoD is withdrawing the proposed rule published at 65 FR 19865 on April 13, 2000. The rule proposed amendments to the contract closed out policy in the Defense Federal Acquisition Regulation Supplement to specify that, if a contract includes Foreign Military Sales (FMS) contract line items and non-FMS contract line items, the FMS line items should be closeout as soon as the closeout requirements for those line items are satisfied. This change was proposed as part of a DoD initiative to improve the FMS process. Public comments on the proposed rule indicated that many automated acquisition systems could not accommodate this change. Therefore, DoD is withdrawing the proposed rule and is exploring alternative methods of expediting the closeout of FMS contract line items.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-4245;

telefax (703) 602-0350. Please cite DFARS Case 2000-D002.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 00-23371 Filed 9-11-00; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

48 CFR Part 442

[AGAR Case 99-02]

RIN 0599-AA09

Agriculture Acquisition Regulation; Designation and Mandatory Use of Contractor Performance System

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document invites written comments on a proposed amendment to the Department of Agriculture's (USDA) Agriculture Acquisition Regulation (AGAR). USDA proposes to amend the AGAR to establish the National Institutes of Health (NIH) Contractor Performance System as the single USDA-wide automated performance evaluation system. Regulations are being revised to identify that system and specify its mandatory use.

DATES: Comments are requested no later than November 13, 2000.

ADDRESSES: Submit written comments concerning this proposed rule to Patrice K. Honda, U.S. Department of Agriculture, Office of Procurement, Property and Emergency Preparedness, Procurement Policy Division, Stop 9303, 1400 Independence Avenue SW, Washington, DC 20250-9303. Submit electronic comments via electronic mail to: pat.honda@usda.gov. Submit comments via facsimile to: (202) 720-8972. See Supplementary Information section for detailed information about filing of comments.

FOR FURTHER INFORMATION CONTACT: Patrice K. Honda, (202) 720-8924.

SUPPLEMENTARY INFORMATION:

I. Background

II. Procedural Requirements

- A. Executive Order Nos. 12866 and 12988
- B. Regulatory Flexibility Act
- C. Paperwork Reduction Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132: Federalism
- F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

I. Background

The AGAR implements the Federal Acquisition Regulation (FAR) (48 CFR chapter 1) where further implementation is needed, and supplements the FAR where coverage is needed for subject matter not covered by the FAR. AGAR section 442.1502 currently provides that the heads of the contracting activities are responsible for establishing past performance evaluation procedures and systems as required by FAR sections 42.1502 and 42.1503. USDA has identified a single automated performance evaluation system (the NIH Contractor Performance System) to be used USDA-wide and proposes to modify AGAR section 442.1502 to identify that system and specify its mandatory use by all USDA contracting activities. Information about the NIH Contractor Performance System is available on the internet at <http://ocm.od.nih.gov/cdmp/cps.htm>.

II. Procedural Requirements

A. Executive Order Nos. 12866 and 12988

USDA prepared a work plan for this regulation and submitted it to the Office of Management and Budget (OMB) pursuant to Executive Order No. 12866. OMB determined that the rule was not significant for the purposes of Executive Order No. 12866. Therefore, the rule has not been reviewed by OMB. USDA has reviewed this rule in accordance with Executive Order No. 12988, Civil Justice Reform. The proposed rule meets the applicable standards in section 3 of Executive Order No. 12988.

B. Regulatory Flexibility Act

USDA reviewed this rule under the Regulatory Flexibility Act, 5 U.S.C. 601-611, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. USDA certifies that this rule will not have a significant economic effect on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared. However, comments from small entities concerning parts affected by the proposed rule will be considered. Such comments must be submitted separately and cite 5 U.S.C. 609 (AGAR Case 99-02) in correspondence.

C. Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed on the public by this rule. Accordingly no OMB clearance is required by section 350(h) of the Paperwork Reduction Act, 44 U.S.C.

3501, *et seq.*, or OMB's implementing regulation at 5 CFR Part 1320.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. No. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. USDA has determined that the proposed rule, if promulgated, would not contain a Federal mandate. USDA has also determined that the proposed rule, if promulgated, would not significantly or uniquely affect small governments. Accordingly, the proposed rule is not subject to the requirements of Title II of UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 4325, August 10, 1999), imposes requirements on USDA in the development of regulatory policies that have federalism implications. "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

USDA has determined that this proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The rule will not impose substantial costs on States and localities. Accordingly, this proposed rule is not subject to the requirements of Executive Order 13132.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, entitled, "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 14, 1998), USDA may not issue a regulation that is not required by statute if that regulation significantly or uniquely affects the communities of Indian Tribal governments, and if it imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the costs of compliance incurred by the tribal governments or USDA consults with those tribal governments. USDA has determined