

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 00-999; MM Docket No. 00-73; RM-9861]

**Radio Broadcasting Services; Hornbrook, CA****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Logan and Company requesting the allotment of Channel 255A to Hornbrook, California, as that locality's first local aural transmission service. As Hornbrook is not incorporated or listed in the U.S. Census, information is requested regarding the attributes of that locality to determine whether it is a *bona fide* community for allotment purposes. Coordinates used for this proposal are 41-53-06 NL and 122-35-03 WL.

**DATES:** Comments must be filed on or before June 26, 2000, and reply comments on or before July 11, 2000.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James A. Koerner, Esq., Koerner & Olender, P.C., 5809 Nicholson Lane, Suite 124, North Bethesda, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-73, adopted April 26, 2000, and released May 5, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**John A. Karousos,***Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-13139 Filed 5-24-00; 8:45 am]

**BILLING CODE 6712-01-P****FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA No. 00-946, MM Docket No. 99-237; RM-9663]

**Radio Broadcasting Services; Medina, TX****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule; dismissal.

**SUMMARY:** This document denies a petition for rule making filed by Medina Radio Broadcasting Company requesting the allotment of Channel 296A at Medina, Texas. See 64 FR 36324, July 6, 1999. This document in this proceeding questioned community status and requested commenting parties to present the Commission with information demonstrating community status. Based on the totality of evidence submitted, we do not believe that Medina qualifies as a community for allotment purposes and that it would not serve the public interest to make a channel allotment in response to Medina Radio's proposal.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 99-237, adopted April 19, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

Federal Communications Commission.

**John A. Karousos,***Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-13136 Filed 5-24-00; 8:45 am]

**BILLING CODE 6712-01-P****GENERAL SERVICES ADMINISTRATION****48 CFR Parts 552 and 570**

[APD 2800.12B, Case No. GSAR 5-422]

**RIN 3090-AH03****General Services Administration Acquisition Regulation: Tax Adjustment****AGENCY:** Office of Acquisition Policy, GSA.**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) proposes to amend the General Services Administration Acquisition Regulation (GSAR) by adding a new clause Tax Adjustment, and by revising the section GSAR contract clauses.

**DATES:** Comments should be submitted on or before July 24, 2000 to be considered in the formulation of a final rule.

**ADDRESSES:** Interested parties should submit written comments to: General Services Administration, Office of Acquisition Policy, GSA Acquisition Policy Division (MVP), 1800 F Street, NW, Room 4027, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Cecelia L. Davis, GSA Acquisition Policy Division, (202) 219-0202.

**SUPPLEMENTARY INFORMATION:****A. Background**

GSA proposes to amend the GSAR by revising Parts 552 and 570 to prescribe and to incorporate a new clause 552.270-30, Tax Adjustment. The clause will be incorporated in acquisitions of leasehold interest in real property when GSA determined that a tax adjustment is necessary.

**B. Executive Order 12866**

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**C. Regulatory Flexibility Act**

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small

entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule simply provides a mechanism for adjusting rent to account for changes in real estate taxes.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

#### List of Subject in 48 CFR Part 552 and 570

Government procurement.

Accordingly, GSA proposes to amend 48 CFR Part 552 and 570 as follows:

1. The authority citation for 48 CFR Parts 552 and 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

#### PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 552.270–30 is added to read as follows:

##### 552.270–30 Tax Adjustment

As prescribed in 570.603, inset the following clause:

##### Tax Adjustment (Date)

(a) *Definitions.* “Base year taxes,” as used in this clause, mean the real estate taxes for the first twelve (12) month period coincident with full assessment, or an amount negotiated by the parties that reflect an agreed on base for a fully assessed value of the property.

“Full assessment,” as used in this clause, means that the taxing jurisdiction has considered all contemplated improvements to the assessed property in the valuation of the same. Partial assessments for newly constructed projects or for projects or for projects under construction, conversion, or renovation will not be used for establishing the Government’s base year for taxes.

“Real estate taxes,” as used in this clause, mean only those taxes assessed against the building or the land on which the building is located, without regard to benefit to the property, for the purpose of funding general government services. Real estate taxes shall not include general or special assessments, business improvement district assessments, or any other present or future taxes or governmental charges imposed on Lessor or assessed against the building or the land upon which the building is located.

(b) *Adjustment for changes in real estate taxes.* This lease provides for adjustments due to changes in real estate taxes on land and buildings occupied by the Government under this lease. Adjustments shall apply to

each tax year during the lease term after the base tax year. Under the procedures established in this clause, the Government shall either:

(1) Make a single annual lump sum payment to the Lessor for its share of any increase in real estate taxes during the lease term over the amount established as the base year taxes.

(2) Receive an annual rental credit or lump sum payment from the Lessor for its share of any decreases in real estate taxes during the lease term below the amount established as the base year taxes.

(c) *Notices regarding real estate taxes.* The Lessor shall furnish the Contracting Officer with copies of each of the following within ten (10) calendar days of receipt:

(1) Any notice which may affect the valuation of land and buildings covered by this lease for real estate tax purposes.

(2) Any notice of a tax credit or tax refund related to land and buildings covered by this lease.

(3) Each tax bill related to land and building covered by this lease.

(d) *Increases in real estate taxes.* The following procedures apply for any tax year in which the real estate taxes increase over the base year taxes.

(1) *Invoice.* The Lessor shall submit a proper invoice (as described in the Prompt Payment clause of this lease, GSAR 552.232–75) for the tax adjustment. The invoice must include the calculation of the adjustment for the tax year. The Lessor must also provide a copy of all paid tax receipts for the tax year with the invoice. If the taxing authority does not give tax receipts, the Lessor must provide other similar evidence of payment acceptable to the Contract Officer. The Lessor must submit the invoice together with tax receipts or other evidence of payment no later than sixty (60) days after the date that the final tax payment for the year is due from the Lessor to the taxing authority.

(2) *Payment.* Upon receipt of a proper invoice and evidence of payment, the Government shall make payment no later than thirty (30) days after receipt of the invoice or thirty (30) days after the anniversary date of the lease, whichever is later. If the lease terminates before the end of a tax year, payment for the tax increase due will be prorated based on the number of days the Government occupied the space.

(3) *Waiver of right to adjustment.* If the Lessor fails to submit a proper invoice and tax receipts or other evidence of payment within sixty (60) days after the date that the final tax payment for the year is due, then the Lessor waives its right to receive payment for the increased taxes under this clause.

(e) *Decreases in real estate taxes.* The following procedures apply for any tax year in which the real estate taxes decrease from the base year taxes or during which the Lessor receives a refund or tax deduction for real estate taxes.

(1) The Government shall be entitled to and shall receive a pro rata credit for the reduction in taxes, regardless of whether the Government has not yet made the tax payment for that year.

(2) During the lease term, the Government shall apply any credit as a deduction from the rent.

(3) For any credit due after the expiration or earlier termination of the lease, at the Contracting Officer’s direction, the Lessor shall either make a lump sum payment to the Government or provide a rental credit under a succeeding lease. This includes, but is not limited to, credits resulting from a tax decrease pursuant to a tax credit due the Lessor, a reduction in the tax assessment, or a tax appeal proceeding for a year or a portion of the lease. If directed to remit a lump sum payment, the Lessor must make payment to the Government within fifteen (15) days of the Contracting Officer’s direction. If the credit due the Government is not paid by the due date, interest shall accrue on the late payment at the rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) in effect on the day after the due date. The Government shall have the right to pursue the outstanding balance of any tax credit using all collection methods available to the United States to collect debts. Such collection rights survive the expiration of this lease.

(f) *Calculating tax share.* The Government shall pay its share of tax increases or receive its share of any tax decrease based on the ratio of the rentable square feet occupied by the Government to the total rentable square feet in the building or complex (percentage of occupancy). For this lease, the Government’s percentage of occupancy as of the effective date of the lease is \_\_\_%. This percentage shall take into account additions or reductions of the amount of space as may be contemplated in this lease or amendments hereto. The block and lot/parcel or other identification numbers for the property, building(s) and parking areas(s) occupied under this lease are \_\_\_\_.

(g) *Appeals to tax assessments.* The Government may direct the Lessor upon reasonable notice to initiate a tax appeal or the Government may decide to contest a tax assessment on behalf of both the Government and the Lessor or for the Government alone. The Lessor shall furnish to the Government information necessary for appeal of the tax assessment in accordance with the filing requirements on its own behalf or on behalf of both the Government and the Lessor, the Lessor shall cooperate and use all reasonable efforts including, but not limited to, affirming the accuracy of the documents, executing documents required for any legal proceeding, and taking such other actions as may be required. If the Lessor initiates an appeal on behalf of the Government, the Government and the Lessor will enter into an agreement to establish a method for sharing expenses and tax savings.

(End of Clause)

#### PART 570—ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

3. Section 570.603 is amended by adding a new prescription at the end of the section to read as follows:

##### 570.603 GSAR contract clauses.

\* \* \* \* \*

**552.270-30 Tax Adjustment.** Insert this clause in solicitations and contracts if you determine that a tax adjustment is necessary.

Dated: May 17, 2000.

Sue McIver,

*Acting Deputy Associated Administrator for Acquisition Policy.*

[FR Doc. 00-13157 Filed 5-24-00; 8:45 am]

BILLING CODE 6820-61-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 051600A]

#### Gulf of Mexico Fishery Management Council; Public Hearings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public hearings; request for comments.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene public hearings to receive comments on its proposed Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP). Amendment 7 proposes to extend Florida's trap certificate program for the commercial stone crab fishery into Federal waters off the west coast of Florida. The objective of this program is to reduce, over time, the number of traps used in the fishery to an optimum number necessary to harvest the maximum sustainable yield (MSY).

**DATES:** The Council will accept written comments on the proposed amendment through June 26, 2000. The public hearings will be held in June. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the public hearings.

**ADDRESSES:** Written comments should be sent to Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, Florida 33619. Copies of draft Amendment 7 are available from Mr. Wayne Swingle, Executive Director, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, Florida 33619; telephone: 813-228-2815; fax: 813-769-4520. See **SUPPLEMENTARY INFORMATION** for specific hearing locations.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne Swingle, Executive Director, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, Florida 33619; telephone: 813-228-2815.

**SUPPLEMENTARY INFORMATION:** There are about 1.4 million stone crab traps off Florida; the Florida Fish & Wildlife Conservation Commission (FFWCC) estimates that it would take only 600,000 traps to take the MSY from this fishery. The FFWCC, after working with the stone crab industry and Council over the past 4 years, has adopted a rule, effective July 1, 2000, under which a State trap certificate program will gradually reduce the number of traps over a 30-year period. This is a certificate-based attrition program that "grandfathers" fishermen into the program with their present number of traps and then will reduce slowly the trap numbers to the optimum level by

reducing the number of certificates whenever they are sold. The Florida Legislature recently authorized license and penalty fees for this certificate program.

#### Time and Location for Public Hearings

Public hearings for Amendment 7 will be held at the following locations, dates, and times.

1. June 6, 2000, 7 p.m., Naples Depot Civic Cultural Center, 1051 Fifth Avenue South, Naples, Florida 34102; telephone: 941-262-1776.

2. June 7, 2000, 7 p.m., Banana Bay Resort & Marina, 4590 Overseas Highway, Marathon, Florida 33050; telephone: 305-743-3500.

3. June 13, 2000, 7 p.m., Jaycee Building, 501 SE 7th Avenue, Crystal River, Florida 34429; telephone: 352-795-4217.

4. June 14, 2000, 7 p.m., Steinhatchee Elementary School, 1st Avenue South, Steinhatchee, Florida 32359; telephone: 352-498-3303.

The Council will also hear public testimony before taking final action on Amendment 7 on July 12, 2000, at its meeting in Key Largo, Florida.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council office (see **ADDRESSES**) by May 30, 2000.

Dated: May 19, 2000.

**Bruce Moorehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 00-13187 Filed 5-24-00; 8:45 am]

BILLING CODE 3510-22-U