

this information in participant notices. Participant notices may also include the Internet address for obtaining the PBGC booklet "Your Guaranteed Pension." This rule updates that address.

General notice of proposed rulemaking is unnecessary. The maximum guaranteeable benefit is determined according to the formula in section 4022(b)(3)(B) of ERISA, and these amendments make no change in its method of calculation but simply list 2001 maximum guaranteeable benefit amounts for the information of the public.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility

Act of 1980 does not apply (5 U.S.C. 601(2)).

#### List of Subjects

##### 29 CFR Part 4011

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

##### 29 CFR Part 4022

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR parts 4011 and 4022 are amended as follows:

#### PART 4011—DISCLOSURE TO PARTICIPANTS

1. The authority citation for part 4011 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1311.

#### § 4011.10 [Amended]

2. Section 4011.10 is amended by removing the Internet address "http://www.pbgc.gov/ygp.htm" from the second sentence of paragraph (b)(9) and adding in its place the address "http://www.pbgc.gov".

#### Appendix A to Part 4011 [Amended]

3. Appendix A to part 4011 is amended by removing the Internet address "http://www.pbgc.gov/ygp.htm" under the heading "WHERE TO GET MORE INFORMATION" and adding in its place the address "http://www.pbgc.gov".

4. Appendix B to part 4011 is amended by adding a new entry in numerical order to the table to read as follows:

#### Appendix B to Part 4011—Table of Maximum Guaranteed Benefits

The maximum guaranteed benefit for an individual starting to receive benefits at the age listed below is the amount (monthly or annual) listed below:								
If a plan terminates in—	Age 65		Age 62		Age 60		Age 55	
	Monthly	Annual	Monthly	Annual	Monthly	Annual	Monthly	Annual
* * * * *								
2001 .....	\$3,392.05	\$40,704.60	\$2,679.72	\$32,156.64	\$2,204.83	\$26,457.96	\$1,526.42	\$18,317.04

#### PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

5. The authority citation for part 4022 continues to read as follows:

**Authority:** 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

6. Appendix D to part 4022 is amended by adding a new entry in numerical order to the table to read as follows. The introductory text is reproduced for the convenience of the reader and remains unchanged.

#### Appendix D to Part 4022—Maximum Guaranteeable Monthly Benefit

The following table lists by year the maximum guaranteeable monthly benefit payable in the form of a life annuity commencing at age 65 as described by § 4022.22(b) to a participant in a plan that terminated in that year:

Year	Maximum guaranteeable monthly benefit
* * * * *	
2001 .....	3,392.05

Issued in Washington, D.C., this 17th day of November, 2000.

**David M. Strauss,**

*Executive Director, Pension Benefit Guaranty Corporation.*

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#### PENSION BENEFIT GUARANTY CORPORATION

##### 29 CFR Part 4044

#### Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in

Single-Employer Plans by substituting a new table that applies to any plan being terminated either in a distress termination or involuntarily by the PBGC with a valuation date falling in 2001, and is used to determine expected retirement ages for plan participants. This table is needed in order to compute the value of early retirement benefits and, thus, the total value of benefits under the plan.

**EFFECTIVE DATE:** January 1, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) sets forth (in subpart B) the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974. Under ERISA section 4041(c), guaranteed benefits and benefit

liabilities under a plan that is undergoing a distress termination must be valued in accordance with part 4044, subpart B. In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA Section 4042(a), it uses the subpart B valuation rules to determine the amount of the plan's underfunding.

Under § 4044.51(b), early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.57 set forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendix D of part 4044 contains tables to be used in determining the expected early retirement ages.

Table I in appendix D (Selection of Retirement Rate Category) is used to determine whether a participant has a low, medium, or high probability of retiring early. The determination is based on the year a participant would reach "unreduced retirement age" (*i.e.*, the earlier of the normal retirement age or the age at which an unreduced benefit is first payable) and the participant's monthly benefit at unreduced retirement age. The table applies only to plans with valuation dates in the current year and is updated

annually by the PBGC to reflect changes in the cost of living, etc.

Tables II-A, II-B, and II-C (Expected Retirement Ages for Individuals in the Low, Medium, and High Categories respectively) are used to determine the expected retirement age after the probability of early retirement has been determined using Table I. These tables establish, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends appendix D to replace Table I-00 with Table I-01 in order to provide an updated correlation, appropriate for calendar year 2001, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I-01 will be used to value benefits in plans with valuation dates during calendar year 2001.

The PBGC has determined that notice of and public comment on this rule are impracticable and contrary to the public interest. Plan administrators need to be able to estimate accurately the value of plan benefits as early as possible before initiating the termination process. For that purpose, if a plan has a valuation date in 2001, the plan administrator

needs the updated table being promulgated in this rule. Accordingly, the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, to allow as much time as possible to estimate the value of plan benefits with the proper table for plans with valuation dates in early 2001.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

#### List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

#### PART 4044—[AMENDED]

1. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. Appendix D to part 4044 is amended by removing Table I-00 and adding in its place Table I-01 to read as follows:

#### Appendix D to Part 4044—Tables Used to Determine Expected Retirement Age

TABLE I-01.—SELECTION OF RETIREMENT RATE CATEGORY

[For Plans with valuation dates after December 31, 2000, and before January 1, 2002]

Participant reaches URA in year—	Participant's retirement rate category is—			
	Low <sup>1</sup> if monthly benefit at URA is less than—	Medium <sup>2</sup> if monthly benefit at URA is		High <sup>3</sup> if monthly benefit at URA is greater than—
		From	To	
2002 .....	442	442	1,867	1,867
2003 .....	454	454	1,915	1,915
2004 .....	466	466	1,965	1,965
2005 .....	478	478	2,016	2,016
2006 .....	490	490	2,068	2,068
2007 .....	503	503	2,122	2,122
2008 .....	516	516	2,177	2,177
2009 .....	530	530	2,234	2,234
2010 .....	543	543	2,292	2,292
2011 or later .....	557	557	2,352	2,352

<sup>1</sup> Table II-A.

<sup>2</sup> Table II-B.

<sup>3</sup> Table II-C.

\* \* \* \* \*

Issued in Washington, DC, this 17th day of November, 2000.

**David M. Strauss,**

*Executive Director, Pension Benefit Guaranty Corporation.*

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 253

[Docket No. 2000-8 CARP]

#### Cost of Living Adjustment for Performance of Musical Compositions by Colleges and Universities

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress announces a cost of living adjustment of 3.4% in the royalty rates paid by colleges, universities, or other nonprofit educational institutions that are not affiliated with National Public Radio for the use of copyrighted published nondramatic musical compositions. The cost of living adjustment is based on the change in the Consumer Price Index from October, 1999, to October, 2000.

**EFFECTIVE DATE:** January 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, at Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** Section 118 of the Copyright Act, 17 U.S.C., creates a compulsory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting. Terms and rates for this compulsory license, applicable to parties who are not subject to privately negotiated licenses, are published in 37 CFR part 253 and are subject to adjustment at five-year intervals. 17 U.S.C. 118(c). The last proceeding to adjust the terms and rates for the section 118 license began in 1996. 61 FR 54458 (October 18, 1996).

On January 14, 1998, the Copyright Office announced final regulations governing the terms and rates of copyright royalty payments with respect

to certain uses by public broadcasting entities of published nondramatic musical works, and published pictorial, graphic, and sculptural works, including the 1998 rates for the public performance of musical compositions in the ASCAP, BMI, and SESAC repertories by public broadcasting entities licensed to colleges and universities. 63 FR 2142 (January 14, 1998).

Pursuant to these regulations, on December 1 of each year "the Librarian of Congress shall publish a notice of the change in the cost of living during the period from the most recent Index published prior to the previous notice, to the most recent Index published prior to December 1, of that year." 37 CFR 253.10(a). The regulations also require that the Librarian publish a revised schedule of rates for the public performance of musical compositions in the ASCAP, BMI, and SESAC repertories by public broadcasting entities licensed to colleges and universities, reflecting the change in the Consumer Price Index. 37 CFR 253.10(b).

Accordingly, the Copyright Office of the Library of Congress is hereby announcing the change in the Consumer Price Index and performing the annual cost of living adjustment to the rates set out in § 253.5(c). 63 FR 2142 (January 14, 1998).

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) during the period from the most recent Index published before December 1, 1999, to the most recent Index published before December 1, 2000, is 3.4% (1999's figure was 168.2; the figure for 2000 is 174.0, based on 1982-1984=100 as a reference base). Rounding off to the nearest dollar, the adjustment in the royalty rate for the use of musical compositions in the repertory of ASCAP and BMI is \$239, each, and \$65 for the use of musical compositions in the repertory of SESAC.

#### List of Subjects in 37 CFR Part 253

Copyright, Radio, Television.

#### Final Regulation

For the reasons set forth in the preamble, part 253 of title 37 of the Code of Federal Regulations is amended as follows:

#### PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

1. The authority citation for part 253 continues to read as follows:

**Authority:** 17 U.S.C. 118, 801(b)(1) and 803.

2. 37 CFR 253.5 is amended by revising paragraphs (c)(1) through (c)(3).

#### § 253.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

\* \* \* \* \*

(c) \* \* \*

(1) For all such compositions in the repertory of ASCAP, \$239 annually.

(2) For all such compositions in the repertory of BMI, \$239 annually.

(3) For all such compositions in the repertory of SESAC, \$65 annually.

\* \* \* \* \*

Dated: November 21, 2000.

**Marybeth Peters,**

*Register of Copyrights.*

[FR Doc. 00-30513 Filed 11-30-00; 8:45 am]

BILLING CODE 1410-33-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Invalid Ancillary Service Endorsements

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** On August 2, 2000 (65 FR 47362), the Postal Service published for comment a proposed rule amending the Domestic Mail Manual (DMM) to eliminate the transitional provisions for the handling of mail bearing invalid ancillary service endorsements. This final rule sets forth changes to the DMM, allowing the Postal Service to reject mail bearing invalid endorsements and treat such items as unendorsed mail.

**EFFECTIVE DATE:** January 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jackie Estes, (202) 268-3543.

**SUPPLEMENTARY INFORMATION:** In July 1997 the Postal Service simplified the endorsements used to request ancillary services by eliminating the existing endorsements and substituting four choices, "Address Service Requested," "Forwarding Service Requested," "Return Service Requested," and "Change Service Requested." As a transitional accommodation to mailers with stationery bearing the former endorsements, the Postal Service adopted standards providing for the handling of mail bearing the former endorsements. To reduce the risk of confusion and error created by conflicting and obsolete endorsements, the Postal Service proposed to eliminate