

Postal Service and must be capable, on an annualized basis, of:

a. Tendering at least 1 million pounds of international letter-post mail (excluding Global Priority Mail) to the Postal Service, or paying at least \$2 million in international letter-post postage to the Postal Service; or

b. Tendering at least 600 pieces of international non letter-post mail (including Global Priority Mail) to the Postal Service, or paying at least \$12,000 in international non letter-post postage to the Postal Service.

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 01-5632 Filed 3-7-01; 8:45 am]

**BILLING CODE 7710-12-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-496; MM Docket No. 01-58; RM-10071]

#### Radio Broadcasting Services; Morenci, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Copper Valley Radio, requesting the allotment of Channel 290A to Morenci, Arizona, as that community's first local aural transmission service. Coordinates used for this proposal are those of the Morenci city reference at 33-04-42 NL and 109-21-53 WL. Additionally, as Morenci, Arizona, is located within 320 kilometers (199 miles) of U.S.-Mexico border, concurrence of the Mexican government to this proposal is required.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**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: Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered, 1850 M Street, NW., Suite 240, Washington, DC 20036.

**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 Rulemaking, MM Docket No.

01-58, adopted February 14, 2001, and released February 23, 2001. 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.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Morenci, Channel 290A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-5725 Filed 3-7-01; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 010110022-1022-01; I.D. 120800A]

**RIN 0648-AO89**

#### Magnuson-Stevens Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes a fee schedule for foreign vessels fishing in the U.S. Exclusive Economic Zone (EEZ). The intent of this action is to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires the establishment of a schedule of reasonable fees that apply non-discriminatorily to each foreign fishing nation.

**DATES:** Comments must be received on or before April 9, 2001.

**ADDRESSES:** Send comments to Bruce C. Morehead, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Dickinson, 301-713-2276.

#### SUPPLEMENTARY INFORMATION:

Regulations at 50 CFR part 600, subpart F govern foreign fishing under the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The regulations provide for the application and issuance of foreign fishing permits under provisions of section 204(b) of the Magnuson-Stevens Act. Under section 204(b), foreign vessels may be permitted to catch, process, scout, support and transship in the EEZ.

Section 204(b)(10) of the Magnuson-Stevens Act requires the establishment of a schedule of reasonable fees to apply non-discriminatorily to each foreign fishing nation. Regulations at 50 CFR 600.518 require, among other things, that foreign vessels authorized to directly harvest fish in the EEZ pay fees based on the number of metric tons (mt) of allocated species harvested. The species potentially available for foreign fishing and the fees associated with those species have been in effect since 1992 and are in need of updating. The species and fees are found in the table

at 50 CFR 600.518(b)(1). NMFS proposes to amend this table to remove species no longer available for allocation, clarify listings for certain species appearing in the table, add Atlantic herring as an allocable species, and establish the fees to be paid for the resulting list of allocable species.

Specifically, NMFS proposes to remove red and silver Hake and the associated fees from the table. These species are no longer available for harvest by foreign fishing vessels. NMFS proposes to amend the table to clarify that, instead of referring to "Herring," the table should refer to "Herring, River." NMFS proposes to amend the table to clarify that, instead of referring to "Other groundfish," the table should refer to "Other finfish." NMFS proposes to add "Atlantic herring" to the table as a potentially allocable species.

With respect to fees to be charged, in recommending a specification of a total allowable level of foreign fishing (TALFF) for Atlantic herring and Atlantic mackerel, the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, respectively, intended each TALFF to be an incentive for increased joint venture activities between U.S. and foreign vessels. NMFS believes it would be reasonable to support the intent of the Councils by continuing the NMFS practice of keeping fees at a low level. Joint ventures are expected to be an integral part of foreign fishing operations in both the Atlantic herring and Atlantic mackerel fisheries and the costs of the foreign directed fisheries influence the ability of foreign owners and operators to purchase herring and mackerel at-sea from U.S. fishermen. Lower fees for allocated species should result in a greater likelihood that U.S. fishermen will receive closer to current ex-vessel values for herring and mackerel than they would receive with higher fees in effect. Fees set for directed fishing at prohibitively high levels could adversely affect U.S. fishermen engaged in joint ventures and U.S. opportunities to develop the Atlantic herring and Atlantic mackerel fisheries. Based on past experience, NMFS believes it would be both appropriate and reasonable to set foreign fees at 20 percent of ex-vessel

value. Thus, NMFS proposes to calculate a fee per mt for each allocable species, or species group, equal to 20 percent of the ex-vessel value of each allocable species, or species group. NMFS proposes to calculate ex-vessel values based on a 5-year average ex-vessel value for each species, or species group, according to ex-vessel value records maintained by the NMFS Fisheries Statistics and Economics Division. However, in the case of Atlantic mackerel, an anomaly in ex-vessel value occurred in 1997 when the ex-vessel value of Atlantic mackerel rose to approximately \$630.00 per mt from an average ex-vessel value of approximately \$324.00 per mt. Although the reasons for this anomaly are not entirely clear, NMFS believes the higher ex-vessel value for Atlantic mackerel in 1997 is related to the higher world prices for mackerel that resulted from a severe reduction in the "Total Allowable Catch" for the North Sea mackerel fishery. The North Sea fishery is large enough to influence the world price of frozen mackerel. NMFS believes it is appropriate to factor out this anomaly when determining the 5-year ex-vessel value of Atlantic mackerel for purposes of calculating the foreign fee schedule. Not factoring out the anomaly would result in a fee for Atlantic mackerel of \$78.97 per mt. Factoring out the anomaly results in, and NMFS proposes, a fee for Atlantic mackerel of \$64.76 per mt.

NMFS believes fees so calculated will recover fees at a reasonable level, as required by section 204(b)(10) of the Magnuson-Stevens Act. Also, in accordance with section 204(b)(10), the proposed fees are non-discriminatory because the owners or operators of vessels of all nations receiving allocations for directed fishing would pay the same fees.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the **Federal Register**.

#### Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities because the entities that would be affected by this regulation are not small entities within the meaning of the Regulatory Flexibility Act. As a result, an initial Regulatory Flexibility Analysis was not prepared.

#### List of Subjects in 50 CFR Part 600

Fisheries, Fishing, Foreign relations, Intergovernmental relations.

Dated: March 1, 2001.

**Clarence Pautzke,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR Chapter VI is proposed to be amended as follows:

#### PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

**Authority:** 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. In § 600.518(b)(1), the table is revised to read as follows:

#### § 600.518 Fee schedule for foreign fishing.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

#### TABLE—SPECIES AND POUNDAGE FEES

[Dollars per metric ton]

Species	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish .....	277.96
2. Herring, Atlantic .....	25.75
3. Herring, River .....	49.59
4. Mackerel, Atlantic .....	64.76
5. Other finfish .....	45.48
6. Squid, <i>Illex</i> .....	97.56
7. Squid, <i>Loligo</i> .....	321.68

\* \* \* \* \*

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