

a. Sacked Mailings. The carrier route mailing must be packaged and labeled under M220. The automation rate mailing must be packaged and labeled under M820. The Presorted rate mailing must be packaged and labeled under M210.

\* \* \* \* \*

1.3 Low-Volume Packages in Sacks or on Pallets

[Amend 1.3 to reflect new reference numbers to read as follows:]

Carrier route and 5-digit packages prepared under M210, M220, and M820 that contain fewer than six pieces must be placed in sacks under 1.4a through 1.4f or in 3-digit and SCF sacks under 1.4g, or on pallets under 1.5a through 1.5h, when the publisher determines that such preparation improves service. Pieces in such low-volume packages must claim the applicable basic rate, except that, as provided under M210.1.4 and M220.1.4, some firm packages may be eligible for carrier route rates and for 5-digit and 3-digit Presorted rates.

1.4 Sack Preparation and Labeling With Scheme Sort

[Change the reference "M200.3.0" to "M210.4.0."]

\* \* \* \* \*

[Amend the heading M930 to read as follows:]

M930 Merged Palletization of Flats Packages Using a 5% Threshold

\* \* \* \* \*

1.0 PERIODICALS MAIL

1.1 Basic Eligibility Requirements

[Amend 1.1f, 1.1g, and 1.1k to change the reference numbers to read as follows:]

Nonletter-size 5-digit packages from an automation rate mailing and nonletter-size 5-digit packages from a Presorted rate mailing may be placed on the same pallet (a merged 5-digit pallet or a merged 5-digit scheme pallet) as carrier route packages of nonletter-size pieces in a carrier route rate mailing under the following conditions:

\* \* \* \* \*

f. The carrier route mailing must meet the eligibility criteria in E230, the automation rate mailing must meet the eligibility criteria in E240, and the Presorted rate mailing must meet the eligibility criteria in E220.

g. The rates are based on the level of package and the number of pieces in the package under E220, E230, and E240.

\* \* \* \* \*

k. Portions of the mailing job that cannot be palletized must be prepared

in sacks under M210, M220, M820, M910, or M920.

\* \* \* \* \*

1.3 Low-Volume Packages on Pallets

[Amend 1.3 by changing "M200" to "M210, M220."]

1.4 5% Threshold Standard

[Amend 1.4f to reflect new reference numbers to read as follows:]

Mailers may place 5-digit packages with carrier route packages on the same merged 5-digit scheme or merged 5-digit pallet under 1.5 if all of the following conditions are met:

\* \* \* \* \*

f. Copies in firm packages claimed as one piece for rate purposes will be considered a single piece when performing the 5% limit calculation under 1.4a through 1.4d. As provided in M210.1.4 and M220.1.4, some firm packages claimed as one piece may be eligible for carrier route rates, 5-digit rates, or basic rates. The sortation level of each firm piece (package) for purposes of applying the 5% limit will be considered to be carrier route if the firm piece (package) is eligible for the carrier route rate under M220.1.4. Otherwise the firm package will be considered to be a 5-digit sorted piece (even if the basic rate must be paid on that piece).

\* \* \* \* \*

[Amend the heading M940 to read as follows:]

M940 Merged Palletization of Flats Packages Using the City State Product and a 5% Threshold

1.0 PERIODICALS MAIL

1.1 Basic Standards

[Amend 1.1g, 1.1h, and 1.1l to change the reference numbers to read as follows:]

Nonletter-size 5-digit packages from an automation rate mailing and nonletter-size 5-digit packages from a Presorted rate mailing may be placed on the same pallet (a merged 5-digit pallet or a merged 5-digit scheme pallet) as carrier route packages of nonletter-size pieces under the following conditions:

\* \* \* \* \*

g. The carrier route mailing must meet the eligibility criteria in E230, the automation rate mailing must meet the eligibility criteria in E240, and the Presorted rate mailing must meet the eligibility criteria in E220.

h. The rates are based on the level of package and the number of pieces in the package under E220, E230, and E240.

\* \* \* \* \*

l. Portions of the mailing job that cannot be palletized must be prepared in sacks under M210, M220, M820, M910, or M920.

\* \* \* \* \*

1.3 Low-Volume Packages on Pallets

[Amend 1.3 by changing "M200" to "M210, M220."]

1.4 5% Threshold Standard

[Amend 1.4f to reflect new reference numbers to read as follows:]

For 5-digit ZIP Codes with a "B" or "D" indicator in the City State Product, mailers may place 5-digit packages with carrier route packages on the same merged 5-digit scheme or merged 5-digit pallet under 1.5 if all of the following conditions are met:

\* \* \* \* \*

f. Copies in firm packages claimed as one piece for rate purposes will be considered a single piece when performing the 5% limit calculation under 1.4a through 1.4d. As provided in M210.1.4 and M220.1.4, some firm packages claimed as one piece may be eligible for carrier route rates, 5-digit rates, or basic rates. The sortation level of each firm piece (package) for purposes of applying the 5% limit will be considered to be carrier route if the firm piece (package) is eligible for the carrier route rate under M220.1.4. Otherwise the firm package will be considered to be a 5-digit sorted piece (even if the basic rate must be paid on that piece).

\* \* \* \* \*

This change will be published in a future issue of the Domestic Mail Manual. An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published.

Stanley F. Mires, Chief Counsel, Legislative. [FR Doc. 00-31360 Filed 12-11-00; 8:45 am] BILLING CODE 7710-12-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 207

[Docket No. MARAD-2000-8464]

RIN 2133-AB43

Statistical Data for Use in Operating-Differential Subsidy Application Hearings

AGENCY: Maritime Administration, Transportation.

ACTION: Final rule.

**SUMMARY:** The Maritime Administration (MARAD, we, our, or us) is removing Part 207—Statistical Data for Use in Operating-Differential Subsidy Application Hearings (part 207). Statutory changes of the Maritime Security Act of 1996 provided that a hearing process would no longer apply to the operating-differential subsidy (ODS) program. Moreover, Congress withdrew MARAD's authority to grant new ODS contracts.

**DATES:** This final rule is effective on December 12, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edmond J. Fitzgerald, Office of Insurance and Shipping Analysis, (202) 366-2400. You may send mail to Mr. Fitzgerald at Maritime Administration, Office of Insurance and Shipping Analysis, Room 8117, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Background**

This final rule is a result of a review of our regulations pursuant to Executive Order 12866 Regulatory Planning and Review and the Department of Transportation's Regulatory Policies and Procedures. Both directives require review of our existing regulations to determine whether they need to be revised or removed. We are removing part 207 because it is no longer necessary. Statutory changes of the Maritime Security Act of 1996 provided that a hearing process would no longer apply to the ODS program (46 App. U.S.C. 1185a). We find good cause under 5 U.S.C. 553(b) of the Administrative Procedure Act to forgo notice and public comment because these procedures would be impracticable and unnecessary. We also find good cause to make this rule effective upon the date of publication as it presents no substantive issue.

The Merchant Marine Act of 1936, as amended (the Act), established various programs aimed at fostering and maintaining a U.S. merchant marine capable of meeting the needs of U.S. commerce and national defense. One of the key programs under the Act was the payment of ODS to qualified U.S.-flag shipping companies for the operation of ships in essential foreign commerce for the United States. This program sought to equalize the disparity in operating costs between American ships and their foreign competitors relative to wages of officers and crews, insurance, and maintenance and repairs not covered by insurance.

Part 207 identified the basic statistical data and reports required by the Maritime Subsidy Board in hearings

held under section 605(c) of the Act for ODS applications and provided procedures for the production of these data and reports. The ODS program largely expired at the end of 1997 and was replaced by the Maritime Security Program (MSP) authorized in the Maritime Security Act of 1996 (46 App. U.S.C. 1185a; 1187 *et seq.*).

We are removing part 207 because statutory changes of the Maritime Security Act of 1996 provided that a hearing process would no longer apply to the ODS program. The statistical data were used in hearings to determine if existing U.S.-flag service was adequate. Moreover, Congress withdrew MARAD's authority to grant new ODS contracts.

**Rulemaking Analyses and Notices**

*Executive Order 12866 and DOT Regulatory Policies and Procedures*

We have reviewed this final rule under Executive Order 12866 and have determined that this is not a significant regulatory action. Additionally, this final rule is not likely to result in an annual effect on the economy of \$100 million or more. This rulemaking removes Part 207—Statistical Data for Use in Operating-Differential Subsidy Application Hearings. Statutory changes of the Maritime Security Act of 1996 provided that a hearing process would no longer apply to the ODS program.

This final rule is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, February 26, 1979). The costs and benefits associated with this rulemaking are considered to be so minimal that no further analysis is necessary. Because the economic impact, if any, should be minimal, further regulatory evaluation is not necessary.

**Regulatory Flexibility Act**

This final rule will not have a significant economic impact on a substantial number of small entities. This final rule removes Part 207—Statistical Data for Use in Operating-Differential Subsidy Application Hearings from the Code of Federal Regulations in compliance with statutory changes of the Maritime Security Act of 1996 which provided that a hearing process would no longer apply to the ODS program. Statistical data was used in hearings to determine if existing U.S.-flag service was adequate. Adequacy is no longer a criterion for granting ODS contracts. Moreover, Congress has withdrawn MARAD's authority to grant new ODS contracts. Therefore, MARAD certifies that this final rule will not have a

significant economic impact on a substantial number of small entities.

*Plain Language*

Executive Order 12866 and the President's memorandum on plain language in government writing of June 1, 1998, require each agency to write all rules in plain language. The Department of Transportation and MARAD are committed to plain language in government writing; therefore, we have written this final rule in plain language to provide easier understanding. Our goal is clarity, and we invite your comments on how to make this final rule easier to understand.

*Federalism*

We have analyzed this final rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism") and have determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. These regulations have no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Therefore, consultation with State and local officials was not necessary.

*Environmental Impact Statement*

We have analyzed this final rule for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have concluded that under the categorical exclusions provision in section 4.05 of Maritime Administrative Order ("MAO") 600-1, "Procedures for Considering Environmental Impacts", 50 FR 11606 (March 22, 1985), the preparation of an Environmental Assessment, and an Environmental Impact Statement, or a Finding of No Significant Impact for this final rule is not required. This final rule removes 46 CFR part 207.

*Executive Order 13084*

MARAD does not believe that this final rule will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Therefore, the funding and consultation requirements of this Executive Order would not apply.

*Unfunded Mandates Reform Act of 1995*

This final rule does not impose an unfunded mandate under the Unfunded

Mandates Reform Act of 1995. It does not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector. This final rule is the least burdensome alternative that achieves the objective of the rule.

#### *Paperwork Reduction Act*

This final rule does not contain information collection requirements covered by 5 CFR part 1320 requiring OMB approval.

#### *Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number is contained in the heading of this document to cross-reference this action with the Unified Agenda.

#### **List of Subjects in CFR Part 207**

Administrative practice and procedure, Economic statistics, Grant programs-transportation.

Accordingly, under the authority of 46 App. U.S.C. 1114, 46 App. U.S.C. 1171 *et seq.*, and as discussed in the preamble, MARAD amends 46 CFR Chapter II by removing part 207.

Dated: December 6, 2000.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 00-31528 Filed 12-11-00; 8:45 am]

**BILLING CODE 4910-81-P**

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 635**

[Docket No. 000511133-0330-03; I.D. 120999B]

RIN 0648-AN52

#### **Atlantic Highly Migratory Species Fisheries; Implementation of ICCAT Recommendations**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to amend the regulations governing the

Atlantic swordfish fishery to reduce the annual landings quota for the north Atlantic swordfish stock to 2,219 metric tons (mt) dressed weight (dw) for each of the next 3 fishing years (2000, 2001, 2002), with 300 mt dw allocated for incidental catch and the remainder allocated equally to each of the two semi-annual seasons for the directed fishery (June 1 through November 30 and December 1 through May 31). This final rule also establishes an allowance for dead discards of 320 mt whole weight (ww) in 2000, 240 mt ww in 2001, and 160 mt ww in 2002. Dead discards in excess of the allowance will be deducted from the subsequent year's landings quota. Additionally, NMFS is taking several actions regarding import restrictions: Removing a prohibition on the importation of Atlantic bluefin tuna from Panama; prohibiting the importation of BFT and its products from Equatorial Guinea; and prohibiting the importation of Atlantic swordfish and its products from Belize and Honduras.

The intent of these actions is to improve conservation and management of the Atlantic swordfish and BFT, while allowing harvests consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

**DATES:** All provisions of this final rule are effective January 11, 2001.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review/ Final Regulatory Flexibility Analysis (EA/RIR/FRFA) supporting this action may be obtained from Rachel Husted, Highly Migratory Species Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Rachel Husted, 301-713-2347; fax: 301-713-1917 or by email at rachel.husted@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The U.S. Atlantic swordfish fishery and the BFT fishery are managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and regulations at 50 CFR part 635 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* Regulations issued under the authority of ATCA carry out the recommendations of ICCAT. This final rule is based on two proposed rules, both published on May 24, 2000. One of the proposed rules described the proposed changes in trade restrictions (65 FR 33517) while the other described

the proposed quotas associated with the rebuilding program for north Atlantic swordfish (65 FR 33519). The contents of the two proposed rules were combined in the development of this final rule.

#### **Swordfish Rebuilding Program**

According to the 1999 ICCAT stock assessment, the biomass of the north Atlantic swordfish stock at the beginning of 1999 was estimated to be at 65 percent of that needed to produce maximum sustainable yield (MSY). The biomass associated with MSY is the target stock size of the rebuilding program for north Atlantic swordfish. The 1998 fishing mortality rate was estimated to be 1.34 times the rate needed to produce MSY. Because NMFS is committed to rebuilding north Atlantic swordfish, consistent with the recent ICCAT 10-year rebuilding program and the requirements of the Magnuson-Stevens Act, immediate reductions in landings are necessary to rebuild the stock to levels that would support MSY.

North Atlantic swordfish landings for all nations combined for 1998 were estimated to be 12,175 mt ww. At the November 1999 ICCAT meeting, a recommendation was adopted to establish a 10-year rebuilding program for north Atlantic swordfish and to reduce the total allowable catch for all countries fishing on that stock to 10,600 mt ww (7,970 mt dw) for 2000; 10,500 mt ww (7,895 mt dw) for 2001; and 10,400 mt ww (7,820 mt dw) for 2002. Although the ICCAT recommendation specifies the quota in whole weight, this document refers to the landings quotas in dressed weight (dw = 0.7519 ww) for the purposes of monitoring U.S. harvests, as swordfish are processed at sea and landed in dressed form (head, fins, viscera and tails removed). This final rule implements the ICCAT recommendations for rebuilding north Atlantic swordfish.

Under the ICCAT recommendation, the United States is allocated 29 percent of the North Atlantic swordfish landings quota (total allowable catch minus the total dead discard allowance) for major harvesting nations in 2000, 2001, and 2002. This amounts to 2,951 mt ww for each year and represents a 5 percent decrease from the U.S. landings quota recommended by ICCAT for 1998. Consistent with the HMS FMP, the annual quota is divided between a directed fishery quota and an incidental quota (1,919 mt dw directed, 300 mt dw incidental). The directed fishery quota of 1,919 mt dw is divided equally into two semi-annual quotas: June 1 - November 30 and December 1 - May 31