

a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Chelsea River between April 2, 2001 and August 24, 2001, during the designated 3½ day closures. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: the minimal time that vessels will be restricted from the area and the advance notifications which will be made to the local maritime community by safety marine information broadcasts and local notice to mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTjg Dave Sherry at the address listed under **ADDRESSES**.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

The Coast Guard analyzed this proposed rule under E.O. 13132 and has determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed

rule would not impose an unfunded mandate.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

The Coast Guard analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

#### Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2-1, (34)(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.

2. Add temporary § 165.T01-021 to read as follows:

##### § 165.T01-021 Safety Zone: McArdle Bridge Repairs—Boston, Massachusetts

(a) *Location.* The following area is a safety zone: All waters of Boston Inner Harbor one hundred (100) yards upstream and downstream of the McArdle Bridge, Boston, MA.

(b) *Effective Date.* This section is effective from sunset on Monday until

sunrise on Friday for the following dates: April 2 until April 6, 2001; June 11 until June 15, 2001; June 25 until June 29, 2001; July 9 until July 13, 2001; July 23 until July 27, 2001; August 6, until August 10, 2001, and August 20 until August 24, 2001.

##### (c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

Dated: February 21, 2001.

**J.R. Whitehead,**

*Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.*

[FR Doc. 01-5601 Filed 3-7-01; 8:45 am]

**BILLING CODE 4910-15-U**

#### POSTAL SERVICE

##### 39 CFR Part 20

##### International Customized Mail Service

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Postal Service is proposing to revise its regulations to enable mailers to additionally qualify for International Customized Mail (ICM) service if they are capable, on an annualized basis, of tendering at least 600 pieces of non letter-post mail (including Global Priority Mail), or paying at least \$12,000 in international non letter-post postage to the Postal Service.

**DATES:** Comments regarding this proposed regulatory change must be received on or before April 9, 2001.

**ADDRESSES:** Written comments can be mailed or hand delivered to the Manager, International Marketing, International Business, U.S. Postal Service, 1735 North Lynn Street, Room 2018, Arlington, VA 22209-6020. Copies of all written comments will be available for public inspection between 9 a.m. and 4 p.m., Monday through Friday, at the office of International Business to which written comments may be sent.

**FOR FURTHER INFORMATION CONTACT:** Angus MacInnes, (703) 292-3601.

**SUPPLEMENTARY INFORMATION:** The Postal Reorganization Act grants the Postal Service the authority to establish international postage rates and fees. The Postal Service has the authority to enter into an ICM agreement with business mailers who meet the requirements of International Mail Manual (IMM) 297.2. The Postal Service provides ICM service to specific mailers pursuant to the terms and conditions of an ICM service agreement consistent with IMM 297.3. To qualify for ICM service, a mailer must currently be capable, on an annualized basis, of either tendering 1 million pounds of international mail or paying at least \$2 million in international postage (IMM 297.2). The current qualifying criteria were adopted in a final rule on May 21, 1993.

The nature of the international mail marketplace has substantially changed in the past 7 years since the final rule was adopted, particularly with respect to the expedited and package segment of international business. International mail transactions are conducted in an increasingly complex and substantially competitive marketplace. Competition for U.S. origin and destination international mail and related services is intense. Private competitors and foreign posts compete for customers and business in the processing, transportation, and delivery of letters, printed matter, and parcels.

Over the past 7 years, the availability of pricing incentives has become an even larger factor in mailers' decisions to select one service provider over another, especially for parcels. It is common today for private competitors and foreign posts to establish specific prices and conditions by entering into individual contracts. Individual prices and conditions are set on a customer-by-customer basis; a region, country group, or country-by-country basis; and/or a product-by-product basis. Private competitors have in recent years set very low minimums when they offer individual contracts or price incentives to customers shipping parcels.

The international letter mail and printed matter business is concentrated among a few larger businesses and consolidators. The number of pieces, weight, and postage of letters and printed matter mailed annually by each such mailer is on average very high. Such mailers have the capability of mailing well in excess of \$2 million or 1 million pounds. Thus, the existing criteria for qualifying for an ICM allows the Postal Service to be competitive for letter and printed matter business, because that segment is concentrated among a few customers annually mailing large volumes.

In contrast, the international package business is widely dispersed among a large number of customers who send fewer pieces per year. Only one of eight domestic shippers also ships internationally. Normally, the average volume per customer of international shipping is much lower than domestic shipping. Only a very small percentage of business customers ship as much as \$2 million or 1 million pounds. Nevertheless, customers still expect discounts for their international packages.

The international package market is extremely price sensitive. Customers who ship as few as 5 packages per week, or 200 packages per year, are offered discounts by private competitors. Customers who ship 10 or more packages a week, or about 520 a year, generate over two-thirds of the international package revenues. These customers are offered discounts by private competitors that are as much as 65 percent below published rates. These discounts are offered under a number of agreement formats and are never made public. Hence, the current ICM qualifying criteria does not allow the Postal Service to offer an ICM to most of the international parcel mailers and compete effectively on the basis of price. This puts the Postal Service at a competitive disadvantage.

The Postal Service has several current ways to be price competitive for most international package business. It offers expedited and package services at published rates. While these rates are generally below the published rates of competitors, they are frequently not competitive for all size business customers because of the pervasive discounting offered by international package carriers.

The Postal Service offers a published discount for one product, Global Express Mail. This discount is 5 percent below published rates for those customers who have an Express Mail Corporate Account (EMCA). A customer can have an EMCA by depositing \$250 with the Postal Service. This offer is attractive only to very small businesses that do not receive discounts from international package competitors.

The Postal Service offers an ICM agreement to customers capable of mailing \$2 million or 1 million pounds per year. This positions the Postal Service very competitively for the largest international package customers. However, as is explained above, there are very few such customers. This leaves the Postal Service without a way to offer competitive prices or to customize services to thousands of

business customers who ship international packages.

The Postal Service will be able to broaden its offerings and be more competitive by lowering the qualifications for entering into an ICM agreement to 600 parcels or \$12,000 a year. Competitors offer discounts to shippers sending as few as 200 parcels a year and routinely offer discounts to shippers sending 600 parcels per year. Setting the qualifying criterion at 600 parcels a year will enable many mailers to qualify for an ICM agreement and make the Postal Service more competitive. The qualifying criterion that a mailer is capable of spending at least \$12,000 in postage is reasonable since the average postage for a Global Express Mail item is almost \$20. Six hundred pieces multiplied by \$20 is \$12,000. This would make the international package market more competitive, which benefits all customers.

In the international arena, the Postal Service seeks to better serve customers' needs and generate additional revenues and contribution to institutional costs. Both the Postal Service's customers and the public benefit from the contributions to the overall costs of the postal system that its international services provide. Thus, its success in the competitive markets contributes to its ability to provide reasonably priced postal services to all of its customers.

The Postal Service, therefore, concludes that to be competitive in the international marketplace, it needs to establish new qualifying criteria for mailers of international expedited and package services to qualify for an ICM agreement.

#### List of Subjects in 39 CFR Part 20

Foreign relations, incorporation by reference, international postal services.

#### PART 20—[AMENDED]

1. The authority citation for 39 CFR Part 20 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The International Mail Manual (IMM) is amended to incorporate the following changes to Subchapter 290.

#### International Mail Manual (IMM)

#### 297 International Customized Mail

\* \* \* \* \*

#### 297.2 Qualifying Mailers

[Replace the current 297.2 with the following changes:]

To qualify for ICM service, a mailer must tender all of its ICM mail to the

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 Rule Making, 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