

95-541, as amended by the Antarctic Science, Tourism and Conservation Act of 1996, Public Law 104-227, and Article 15 of the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991. Specifically, this part requires that all non-governmental expeditions, for which advance notice by the United States is required under the Antarctic Treaty, who use non-flagged vessels ensure that the vessel owner or operator has an appropriate emergency response plan. This part is also designed to ensure that expedition members are informed of their environmental protection obligations under the Antarctic Conservation Act.

(Approved by the Office of Management and Budget under control number 3145-0180).

#### **§ 673.2 Scope.**

The requirements in this part apply to non-governmental expeditions to or within Antarctica for which the United States is required to give advance notice under Paragraph (5) of Article VII of the Antarctic Treaty.

#### **§ 673.3 Definitions.**

In this part:

*Antarctica* means the area south of 60 degrees south latitude.

*Expedition* means an activity undertaken by one or more non-governmental persons organized within or proceeding from the United States to or within Antarctica for which advance notification is required under Paragraph 5 of Article VII of the Antarctic Treaty.

*Person* has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States except that the term does not include any department, agency, or other instrumentality of the Federal Government.

#### **§ 673.4 Environmental protection information.**

(a) Any person who organizes a non-governmental expedition to Antarctica and who does business in the United States shall notify expedition members of the environmental protection obligations of the Antarctic Conservation Act.

(b) The National Science Foundation's Office of Polar Programs may prepare for publication and distribution explanation of the prohibited acts set forth in the Antarctic Conservation Act, as well as other appropriate educational material for tour operators, their clients, and employees. Such material provided to tour operators for distribution to their passengers and crew shall be

disseminated prior to or during travel to the Antarctic.

#### **§ 673.5 Emergency response plan.**

Any person organizing a non-governmental expedition to or within Antarctica who is transporting passengers aboard a non-U.S. flagged vessel shall ensure that:

(a) The vessel owner's or operator's shipboard oil pollution emergency plan, prepared and maintained according to Regulation 26 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), has provisions for prompt and effective response action to such emergencies as might arise in the performance of the vessel's activities in Antarctica. Any emergency response plan which satisfies the requirements contained in 33 CFR 151.26 of the U.S. Coast Guard regulations will also satisfy the requirements of this paragraph. If the vessel owner or operator does not have a shipboard oil pollution emergency plan, a separate plan for prompt and effective response action is required.

(b) The vessel owner or operator agrees to take all reasonable measures to implement the plan for a prompt and effective response action in the event of an emergency, taking into account considerations of risk to human life and safety.

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 0**

[DA 01-1844]

#### **Freedom of Information Act**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission is modifying a section of the Commission's rules that implements the Freedom of Information Act (FOIA) Fee Schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

**DATES:** Effective September 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Abbate, Freedom of

Information Act Officer, Office of Performance Evaluation and Records Management, Room 1A827, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418-0440 or via Internet at kabbate@fcc.gov.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission is modifying § 0.467(a) of the Commission's rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level based on the General Schedule effected January 1987. The revisions correspond to modifications in the rate of pay recently approved by Congress.

#### **Regulatory Procedures**

This proposed rule has been reviewed under Executive Order No. 12866 and has been determined not to be a "significant rule" since it will not have an annual effect on the economy of \$100 million or more.

In addition, it has been determined that this proposed rule will not have a significant economic impact on a substantial number of small entities.

#### **List of Subjects in 47 CFR Part 0**

Freedom of information.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

#### **Rule Changes**

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 0—COMMISSION ORGANIZATION**

1. The authority citation for Part 0 continues to read as follows:

**Authority:** 47 U.S.C. 155, unless otherwise noted.

2. Section 0.467(a)(1) is amended by revising the last sentence, the table in

paragraph (a)(1) and its note, and paragraph (a)(2) to read as follows:

**§ 0.467 Search and review fees.**

(a)(1) \* \* \* The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

Grade	Hourly fee
GS-1 .....	10.22
GS-2 .....	11.14
GS-3 .....	12.55
GS-4 .....	14.09
GS-5 .....	15.77
GS-6 .....	17.57
GS-7 .....	19.52
GS-8 .....	21.62
GS-9 .....	23.88
GS-10 .....	26.30
GS-11 .....	28.90
GS-12 .....	34.64
GS-13 .....	41.20
GS-14 .....	48.67
GS-15 .....	57.25

**Note:** These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2001 and include 20 percent for personnel benefits.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 010502110-1110-01; I.D. 070501C]

**Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions for the Recreational, Commercial, and Tribal Salmon Seasons from the U.S.-Canada Border to the Oregon-California Border**

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

**ACTION:** Inseason closure, adjustment, and two corrections to the 2001 annual management measures for the ocean salmon fishery; request for comments.

**SUMMARY:** NMFS announces the following inseason actions for the ocean

salmon fishery: Closure of the commercial fishery for all salmon except coho in the area from the U.S.-Canada Border to Cape Falcon, OR, on June 15, 2001, at 2359 hours local time (l.t.), and modification of the weekly opening period for the commercial fishery for all salmon (except coho) in the area from Humbug Mountain to the Oregon-California Border, to be open 7 days per week effective June 15, 2001, at 0001 hours l.t. through June 30, 2001 at 2359 hours l.t. This document also contains corrections to the 2001 annual management measures for the ocean salmon fishery, which were published on May 8, 2001, and amended June 29, 2001, and July 11, 2001.

**DATES:** Closure in the area from the U.S.-Canada Border to Cape Falcon, OR—effective 2359 hours l.t., June 15, 2001, until the effective date of the 2002 management measures, as published in the **Federal Register**. Adjustment in the area from Humbug Mountain to Oregon-California Border—effective 0001 hours l.t., June 15, 2001, through the earlier of June 30, 2001, or a 1,500-chinook quota. Correction for the recreational salmon fishery from Cape Alava to Queets River—effective May 2, 2001, until the effective date of the 2002 management measures, as published in the **Federal Register**. Correction for the all-species treaty troll fishery for the Quinault Tribe—effective July 1, 2001, until the effective date of the 2002 management measures, as published in the **Federal Register**. Comments on this action will be accepted through August 28, 2001.

**ADDRESSES:** Submit comments to Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; fax 206-526-6376; or Rebecca Lent, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; fax 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140, Northwest Region, NMFS, NOAA.

**SUPPLEMENTARY INFORMATION:**

**Closure From the U.S.-Canada Border to Cape Falcon, OR**

The Northwest Regional Administrator, NMFS (Regional Administrator), determined that the guideline of 17,000 chinook for the area from the U.S.-Canada Border to Cape

Falcon, OR, had been reached and closed the fishery for all salmon except coho on June 15, 2001. Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by notification issued under 50 CFR 660.411(a)(2), close the fishery for all salmon species in the portion of the fishery management area to which the quota applies, as of the date the quota is projected to be reached.

In the 2001 annual management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon except coho in the area from U.S.-Canada Border to Cape Falcon, OR would open May 1, 2001, through the earlier of June 30, 2001, or a 17,000-chinook guideline.

The Washington Department of Fish and Wildlife (WDFW) reported the landed catch, as of June 10, 2001, for the commercial fishery in the area from U.S.-Canada Border to Cape Falcon, OR, was 14,300 chinook salmon. The rate of landed catch was estimated to be 500 chinook per day. Accordingly, the WDFW projected the area to reach the 17,000-chinook guideline on June 15, 2001, and recommended that NMFS close the area effective midnight on that date.

**Adjustment in the Area From Humbug Mountain to the Oregon-California Border**

Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i).

In the 2001 annual management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon except coho in the area from Humbug Mountain to Oregon-California Border would open June 3, 2001, through the earlier of June 30, 2001, or a 1,500-chinook quota. The fishery was to follow a cycle of 2 days open/2 days closed, with a provision that it may be adjusted inseason to match management needs.

The Oregon Department of Fish and Wildlife (ODFW) reported that, as of June 13, 2001, both fishing effort and landed catch had been low due to poor weather conditions. Better catches in the area to the north of the area from Humbug Mountain to Oregon-California Border resulted in reduced effort in the restricted fishery. Oregon reported the catch landed in the area to date was only 37 chinook salmon. Therefore, the