Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329. For information concerning the notice of termination, contact Lieutenant Commander Randy Clark, Office of Operating and Environmental Standards (G–MSO), telephone 202–267–0836.

**SUPPLEMENTARY INFORMATION:**

### Commercial Fishing Industry Vessel Safety Act of 1988

On September 9, 1988, chapter 45 (Uninspected Commercial Fishing Industry Vessels, sections 4501 through 4508) of title 46 United States Code, was amended by the Commercial Fishing Industry Vessel Safety Act of 1988, Pub. L. 100–424 (the Act). The Act requires the Secretary of Transportation to prescribe regulations for safety equipment and vessel operating procedures on commercial fishing industry vessels. The Secretary delegated this authority to regulate commercial fishing vessels to the Commandant of the Coast Guard.

### Rulemakings Developed Under the Act

Under the Act, several rulemakings emerged. On 14 August 1991, a final rule entitled, ''Commercial Fishing Industry Vessel Regulations'' was published in the **Federal Register** (56 FR 40364). The regulations are for U.S. documented or state numbered uninspected fishing, fish processing, and fish tender vessels. The provisions established requirements for navigation; radio; firefighting and lifesaving equipment; fuel, ventilation, and electrical systems; as well as the original requirements for immersion suits.

On 3 August 1992, the Coast Guard published an interim final rule in the **Federal Register** (57 FR 34188). As a result of the public comments, the rule removed the requirements for vessels to carry immersion suits for each individual on board both undocumented commercial fishing industry vessels operating on coastal waters that are only seasonably cold and documented commercial fishing industry vessels operating inside the Boundary Line on coastal waters that are only seasonably cold.

On 20 May 1993, the Coast Guard published a notice of proposed rulemaking entitled, ''Immersion Suits for Documented and Undocumented Commercial Fishing Industry Vessels Operating on Coastal Waters that are Seasonably Warm'' in the **Federal Register** (58 FR 29502). This rulemaking proposed the reinstatement of the original requirements published in the final rule on 3 August 1992. The proposed action was a result of consultation between the Coast Guard and the Commercial Fishing Industry Vessel Advisory Committee.

Throughout the notice and comment process for all of the rulemakings, significant controversy was identified concerning the provisions affecting immersion suits and vessel stability. Because of this controversy, the Coast Guard recognized that regulatory action would not occur in a timely fashion. Consequently, requirements covering immersion suits and vessels stability were held in abeyance so that other provision of the Act could proceed.

On 24 October 1995, the Coast Guard published a final rule in the **Federal Register** (60 FR 54441) to address the requirements of the Aleutian Trade Act [Pub. L. 101–595].

On 4 September 1997, the Coast Guard published a final rule entitled, ''Commercial Fishing Industry Vessel Regulations'' in the **Federal Register** (62 FR 46672). This rule established requirements for safety equipment and vessel operating procedures on commercial fishing industry vessels to improve their overall safety.

Since that time, other issues pertaining to commercial fishing vessel safety have been identified. The Coast Guard has determined that it can most effectively develop regulations for immersion suits, vessel stability, and other newly identified issues by initiating a new rulemaking under a new docket number.

Dated: May 18, 1998.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 98–18819 Filed 7–14–98; 8:45 am]

BILLING CODE 4910–15–M

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 1

**[GC Docket No. 98–73; FCC 98–98]**

## Permit-But-Disclose Proceedings

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission proposes to amend its regulations concerning ex parte presentations as applied to Joint Board proceedings and proceedings before the Commission involving a recommendation from a Joint Board. In such proceedings, the Commission proposes to require disclosure of presentations by state commissions, their members, and their staffs to Joint Boards and the FCC only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. The intended effect of this proposal is to facilitate communications by the states in Joint Board proceedings.

**DATES:** Comments must be filed on or before August 14, 1998; reply comments must be filed on or before August 31, 1998.

**ADDRESSES:** Federal Communications Commission, Room 610, 1919 M Street NW., Washington DC 20554.

**FOR FURTHER INFORMATION CONTACT:** David S. Senzel, Office of General Counsel (202) 418–1720.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), GC Docket No. 98–73, adopted on June 26, 1998, and released June 30, 1998. The full text of the NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857–3800.

### Summary of Further Notice of Proposed Rule Making

1. The provisions of the Communications Act recognize the strong public interest in the cooperation of the FCC and the states in deciding questions relating to common carriers. Section 410(c) of the Act, 47 U.S.C. 410(c), requires the establishment of Federal-State Joint Boards with respect to any matter concerning jurisdictional separations of common carrier property, and, with the exception of adjudications designated for hearing, allows the Commission to refer to a Joint Board any other matter relating to common carrier communications of joint federal-state concern. *See also* 47 U.S.C. 410(a). Joint Boards are empowered to issue recommended decisions for review and action by the Commission. They have played a key role in deciding crucial public policy issues regarding common carriers.

2. Joint Boards are subject to the Commission's ex parte rules (47 CFR 1.1200 *et seq.*), which are intended to ensure fairness in Commission proceedings. *See generally, Report and Order in GC Docket No. 95–21,* 62 FR 15852 (April 3, 1997), 12 FCC Rcd 7348 (1997), *pet. recon. pending.* Under these rules, Joint Board proceedings and

proceedings before the Commission involving a recommendation from a Joint Board are classified as ''permit-but-disclose.'' 47 CFR 1.1206(a)(8). Ex parte presentations to decisionmakers are permissible but must be disclosed on the record in accordance with the procedures set forth in the rules. 47 CFR 1.1206(a). Accordingly, all persons, including the states, must file copies of written ex parte presentations [1] to Joint Boards or the Commission for inclusion in the record and must file memoranda of new arguments or data contained in oral ex parte presentations.[2]

3. The Commission believes that the public interest served by this joint federal-state decisionmaking would be further enhanced by allowing appropriate persons from individual states somewhat more freedom to communicate informally with the Joint Board and the Commission. Specifically, as with Congress and the Executive Branch, the Commission proposes that presentations from state commissions, their members, and their staffs in Joint Board proceedings only be required to be disclosed if they are of substantial significance and clearly intended to affect the ultimate decision. This will allow the states a greater opportunity, for example, to discuss issues informally with the Commission and state Joint Board members and staff and thus will lead to a deeper, more vigorous level of federal-state cooperation. These states may also elect to participate in the process by filing formal comments, but the proceedings involved are policy-oriented rulemakings, rather than the kind of adjudicatory proceedings in which the significance of party status would be more pronounced.

4. The Commission therefore invites the states and other interested persons to comment on the following question: should the ex parte rules for Joint Board proceedings and proceedings before the Commission involving a recommendation from a Joint Board be modified to provide that those presentations made by states to Joint Boards or the Commission (or their respective staffs) must be disclosed only if they are of substantial significance and clearly intended to affect the ultimate decision?

[1] 47 CFR 1.1206(b)(1). Written ex parte presentations are written communications directed to the merits or outcome of a proceeding that are not served on all parties to the proceeding. 47 CFR 1.1202(b)(1).

[2] 47 CFR 1.1206(b)(2). Oral ex parte presentations are oral communications directed to the merits or outcome of a proceeding that are made without giving advance notice to the parties and an opportunity for them to be present. 47 CFR 1.1202(b)(2).

**Initial Regulatory Flexibility Certification**

5. Section 603 of the Regulatory Flexibility Act, as amended, requires a final regulatory flexibility analysis in a notice and comment rulemaking proceeding unless we certify that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). We believe that the rule we propose today will not have a significant economic impact on a substantial number of small entities.

6. As noted above, our purpose in proposing to modify the ex parte rules is to facilitate the participation of states in Joint Board proceedings and proceedings before the Commission involving a recommendation from a Joint Board. The proposed rule does not impose any additional compliance burden on persons dealing with the Commission, including small entities. The new rule would reduce the reporting requirements applicable to the states under the current rules and would not otherwise affect the rights of persons participating in Commission proceedings. There is no reason to believe that operation of the new rule would impose any costs on parties to Commission proceedings.

7. Accordingly, we certify, pursuant to section 605(b) of the Regulatory Flexibility Act, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Pub. L. 104–121, 110 Stat. 847 (1996), that the rules will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). The Commission shall send a copy of this Notice of Proposed rulemaking, including this certification, to the Chief Counsel for Advocacy of the SBA. 5 U.S.C. 605(b).

**List of Subjects in 47 CFR Part 1**

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

**Rule Changes**

Part 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

## PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.1206 is amended by revising paragraph (a)(8) and paragraph (b)(3) to read as follows:

**§ 1.1206 Permit-but-disclose proceedings.**

(a) * * *

(8) A proceeding before a Joint Board, a proceeding before the Commission involving a recommendation from a Joint Board or a proceeding before the Commission involving further actions that may be required in any such proceeding;

(b) * * *

(3) Notwithstanding paragraphs (b)(1) and (b)(2) of this section, in permit-but-disclose proceedings presentations made by members of Congress or their staffs or by an agency or branch of the Federal Government or its staff shall be treated as ex parte presentations only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. In proceedings before a Joint Board, proceedings before the Commission involving a recommendation from a Joint Board or proceedings before the Commission involving further actions that may be required in any such proceeding, presentations from a state commission, one or more of its members or its staff regarding the proceeding shall be treated as ex parte presentations only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. The Commission staff shall prepare a written summary of such oral presentations covered by this subparagraph and place them in the record in accordance with paragraph (b)(2) of this section and place such written presentations covered by this subparagraph in the record in accordance with paragraph (b)(1) of this section.

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[FR Doc. 98–18837 Filed 7–14–98; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 14

## Importation, Exportation, and Transportation of Wildlife

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** This document announces the U.S. Fish and Wildlife Service's (Service) intent to review aspects of the wildlife importation and exportation